

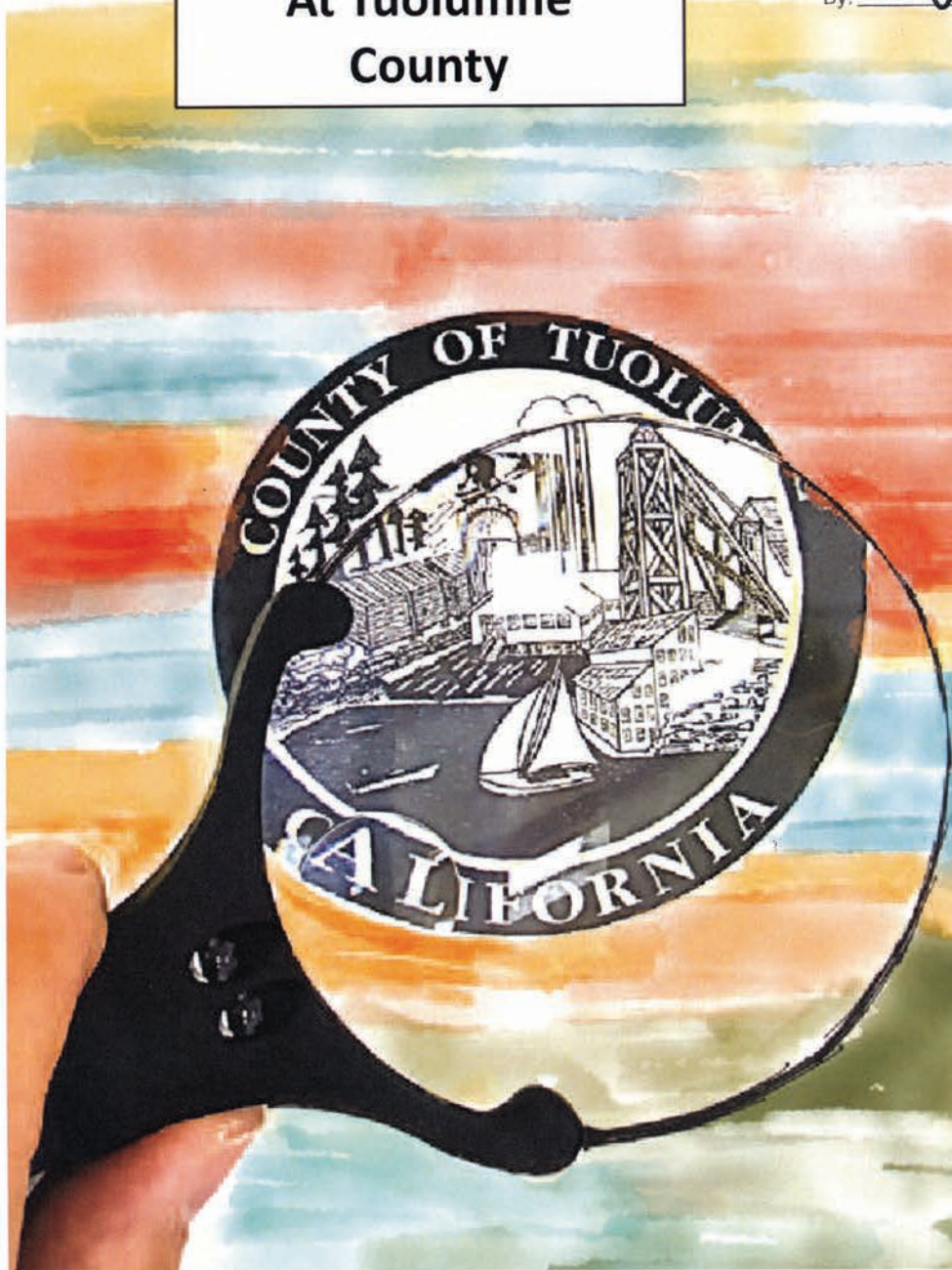
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Superior Court of California
County of Tuolumne

By: Boe Clerk

**A Closer Look
At Tuolumne
County**



**2016 - 2017
Tuolumne County
Grand Jury Report**

2016-2017 Tuolumne County Grand Jury Report



Tuolumne County
Grand Jury

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Sonora, CA 95370
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tuolumnecounty.ca.gov/?NID=386





Grand Jury - County of Tuolumne

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370

June 30, 2017

The Honorable Kate Powell Segerstrom
Superior Court of Tuolumne County
60 North Washington Street
Sonora, CA 95370

Dear Judge Powell Segerstrom,

The 2016-2017 Tuolumne County Grand Jury is pleased to present to you its final report.

The Grand Jury would like to thank you, Judge Segerstrom, for your support and guidance throughout this year. Special thanks, also, to District Attorney Laura Krieg and County Counsel Sarah Carrillo for their time and thoughtful counsel during this process. Thank you to the court contact, Lindsay Bones, for her efficient assistance to the Grand Jury.

Consisting of nineteen diverse members of the community, the Grand Jury serves for one year with the objectives of improving the efficiency and effectiveness of local government as well as promoting government accountability. The members who comprised the 2016-2017 Grand Jury, as well as those who were unable to complete their terms, worked diligently and conscientiously toward those goals. It has been a privilege to serve with this group of dedicated individuals.

Throughout the investigative process over 75 individuals from within our local government as well as private citizens were interviewed. The Grand Jury thanks each of those interviewees for their time, cooperation, and insight.

Reflecting the diligence of the Grand Jurors, this final report is presented to the citizens of Tuolumne County for their careful consideration. It is the expectation of the Grand Jury that the findings and recommendations herein will be reviewed thoughtfully.

Serving on the Grand Jury has been a challenging yet rewarding experience. Jurors have gained invaluable knowledge and understanding about the workings of local government. Working with these exceptional jurors has been an honor.

Respectfully submitted,

Jane Braga

Jane Braga

Foreperson, Tuolumne County Grand Jury 2016-2017

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Letter of Transmittal Placeholder Page

Members of the 2016-2017 Grand Jury

Jane Braga
Foreperson

Cris Todd
Foreperson pro tem

Anne Crosby
Secretary

Aaron Randi	Lisa Gabrielson
Adam Tacheira	Paula Massman
Bill Sullivan	Rose Newman
Darlene Hutchins	Shawn K. Hall
Don Barth	Tom Parrington
Geary Howard	Vicky Townsend
Hillel Silverman	William "Dan" Brennan
Kristi Traub	

Acknowledgement

The 2016-2017 Grand Jury would like to acknowledge and thank the jurors who served but were unable to complete their term.

The 2016-2017 Grand Jury would like to thank Cris Todd for creating the Grand Jury Report cover.

Introduction

Mission Statement

The mission of the 2016–2017 Tuolumne County Grand Jury is to create positive change in our County by improving the efficiency, effectiveness, and transparency of local government. We will accomplish this by reviewing various city and county departments, schools, special districts, and the state correctional facility in Tuolumne County with an open mind to develop accurate, factual, and helpful appraisals. Our report will offer reasonable findings and recommendations. We will do this as a group of civic minded members of our community.

Disclaimer

During the 2016-2017 Grand Jury year any juror who had, or may appear to have had, a conflict of interest in any report or investigation was recused. These jurors were excluded from all parts of the investigation, including interviews, deliberations, writing and approval of this report. There were eleven jurors who were recused from nine investigations due to conflicts of interest.

Grand Jury Responses

History

Grand Juries have existed in California since the original constitution of 1849-1850. The codification of the Grand Jury law in California came about in 1872 with the adoption of a Penal Code. Grand Jury law is found in Penal Code §888-939.91.

Organization

The Civil Grand Jury is not the same as a trial or “petit” jury selected to hear evidence in a single case. Instead, a Grand Jury is impaneled for a one-year term, typically running from July 1 to June 30.

The Grand Jury’s role is to assure that county government, special districts, and city government are upholding honest and efficient practices and operate in the best interest of the citizens of Tuolumne County. Additionally, the Grand Jury

is charged with the annual investigations of the County Jail, and the California Conservation Center (located within the County of Tuolumne).

Functions and Duties

The Grand Jury is a judicial branch of government typically referred to as “an arm of the court.” The Grand Jury does not function as an executive or legislative branch and is not a police agency.

The Grand Jury reviews and evaluates procedures, methods, and systems used by an agency to determine if there is a more efficient and/or economical way to perform their various functions. The Grand Jury does not mandate policy changes; instead, the Grand Jury makes recommendations to improve procedures, systems, and methods of operation.

Complaints and Responses

The Grand Jury receives complaints via U.S. Mail, electronic mail, verbally, or anonymously. The complaints range from alleging suspicious conduct by a county official to government inefficiencies.

Once a complaint is received, it is logged and assigned a number for reference and securely filed. The complaint is then brought before the Grand Jury to discuss the scope of the complaint and whether or not it is within the jury’s jurisdiction to perform an evaluation. Once it has been determined the complaint is valid and is accepted by the jury for investigation, a committee is formed to perform an investigation. The Grand Jury cannot investigate disputes between two private parties.

All complaints are kept strictly confidential. Records can not be inspected or subpoenaed.

Complaints received late in the term of the sitting Grand Jury are looked at on a case by case basis to determine the scope of a possible investigation. If it is determined that the investigation will take more time than the seated Grand Jury’s term, the investigation will likely be passed on to the next Grand Jury.

The final report resulting from the investigation will have facts, findings, and recommendations which are presented to the presiding Superior Court Judge for approval.

Agencies investigated by the Grand Jury are required to respond to the report findings and recommendations within 90 days of this published report.

Confidentiality

Grand Jury members are sworn to secrecy regarding any matter brought before them. This assures all individuals that their testimony will be strictly confidential. Each Grand Juror must keep all evidence confidential. It is a misdemeanor to violate the confidentiality of any individual or evidence brought before the Grand Jury.

How to Read Grand Jury Reports

Each report is divided into several sections:

1. The **Summary** provides a general overview of each individual investigation and previews each individual report.
2. **Glossary** defines uncommon and specialized terms used within the report.
3. **Background** contains some general factual information intended to provide an overall view of the agency and issues investigated.
4. **Methodology** provides information about how the Grand Jury determined the facts and came to its conclusions.
5. **Discussion** contains detailed factual information developed from the investigation and may be organized into *subsections* by topics relevant to the findings.
6. **Findings** bridge the gap between the facts in the discussion resulting in recommendations and/or commendations. A finding is a conclusion or value judgment reasonably based on one or more facts from the background or discussion sections. Findings usually identify what needs to be fixed, improved, or corrected through the recommendation, or may point to something that is being done well through a commendation.

Example of a Finding: “The Grand Jury finds that the non-standardization of payroll submissions to the controller is unnecessarily time-consuming, expensive, and subject to error.”

7. **Recommendations** and/or **Commendations** must be reasonably based on at least one finding and state what the grand jury believes should be done, when and by whom, or by which agency, to solve the problems identified in the findings. Recommendations should be specific, logically related to the problems identified in the findings, reasonably achievable and financially feasible, and not in violation of any laws.

Example of a Recommendation: “The Grand Jury recommends that the controller should reorganize all county payroll functions by December 31, 2015, so that there is a standard procedure of payroll submissions.”

8. **Responses:** Penal Code §933.05 directs that, if required by the Grand Jury, the governing board, or elected official who was the subject of the investigation, is required to respond to the specific findings and recommendations. The Grand Jury can also invite other public officials, such as department heads or managers to respond to findings and recommendations.

SEND ALL RESPONSES TO:

**Honorable Judge Kate Powell Segerstrom
Tuolumne County Superior Court
60 North Washington Street
Sonora, CA 95370**

9. The **Bibliography** provides additional resources and references used in the writing of the report and allows the reader to find related information.

Review of Responses to the Tuolumne County 2015-2016 Civil Grand Jury Report

Summary

The 2015-2016 Tuolumne County Grand Jury issued its final report on June 30, 2016. The report consisted of seven investigative reports and one continuity/response report, which included a review of a response to one of the 2014-2015 Grand Jury reports.

California Penal Code §933 requires elected officials or agency heads to respond within sixty days of the issuance of a Grand Jury report, when a response is required. Governing bodies are required to respond within ninety days.

Elected officials and government agencies must respond to recommendations made in Grand Jury reports indicating their agreement or disagreement with those recommendations, and the reasons and action taken with regard to the recommendations. These responses are to be sent to the presiding judge of the Superior Court. The Grand Jury is responsible by law to ensure that each response is submitted within the required time frame and is otherwise compliant with California Penal Code §933.

The 2016-2017 Tuolumne County Grand Jury has received and reviewed all responses submitted to the 2015-2016 Grand Jury's investigative reports. Most agencies responded by either accepting and agreeing with the recommendations, stating that they had already been implemented, or had plans for implementation as required by California Penal Code §933.05. Where there was disagreement, reasons were noted.

The Sierra Conservation Center and Baseline Conservation Camp reviewed the County Correctional Facilities section of the 2015-2016 Grand Jury Report in accordance with the California Penal Code though no response was requested.

Italicized font is used to represent direct quotes from the 2015-2016 Tuolumne Grand Jury's report.

Glossary

ATCAA	Amador Tuolumne Community Action Agency
BOS	Board of Supervisors
BOFGUSD	Big Oak Flat-Groveland Unified School District

CAO	County Administrative Officer
CIP	Capital Improvement Plan
CRA	Community Resources Agency
CSC	Central Sierra Connect
FY	Fiscal Year
GM	General Manager
HR	Human Resources
JMS	Jail Management System
JPA	Joint Powers Authority
KARPEL	Prosecutor by KARPEL is case management software
LCFF	Local Control Funding Formula
N/A	Not Applicable
TCBOS	Tuolumne County Board of Supervisors
TCSO	Tuolumne County Sheriff's Office
TCSOS	Tuolumne County Superintendent of Schools
TUD	Tuolumne Utilities District
TWSOP	Treated Water System Optimization Plan

Background

The 2015-2016 Tuolumne County Grand Jury made requests for responses from the following agencies:

- The Amador Tuolumne Community Action Agency (ATCAA) was asked to respond regarding training recommendations.
- Three school districts, the County Board of Education and the Sonora City Council were asked to respond to possible Brown Act violations.
- The Tuolumne County Board of Supervisors (BOS) was asked to respond to recommendations regarding Community Resources Agency (CRA) fees.
- Tuolumne Utilities District (TUD) Board of Directors and the TUD General Manager were asked to respond to recommendations regarding operations and facilities.
- The Tuolumne County Sheriff was asked to respond to concerns regarding the Jail.
- All school districts in Tuolumne County were required to respond regarding consolidation.

Complete responses as submitted are available online.
<http://www.tuolumnecounty.ca.gov/index.aspx?NID=1011>

Methodology

The 2016-2017 Grand Jury evaluated responses to the 2015-2016 Grand Jury's recommendations to ensure compliance with the law using the following criteria:

1. Were the responses received by the presiding judge within the legal time frame?
2. If the recommendation was accepted, did the response include a time frame for completion?
3. If the recommendation needed further analysis, did the response state when that would be completed?
4. If the recommendation would not be implemented, was there an explanation?

TIMELINE OF RESPONSES	DATE RESPONSE	ACCEPTED	ACTIONED ALREADY	ON TIME
ATCAA Executive Director: Amador Tuolumne Community Action Agency	10/17/16	✓	✓	✓
Sonora City Council: Brown Act	9/1/16	✓		✓
Sonora Union High School: Brown Act	8/11/16	✓	✓	✓
Summerville Union High School: Brown Act	9/1/16	✓	✓	✓
Tuolumne County Board of Education: Brown Act	8/1/16	✓	✓	✓
Tuolumne County Sheriff: Jail	8/11/16	✓	✓	✓
Tuolumne County Board of Supervisors: CRA fees	8/6/16	✓	✓	✓
Tuolumne County Superintendent of Schools*	9/1/16	✓	✓	✓
Bellevue School District Superintendent*	8/1/16	✓	✓	✓
Big Oak Flat-Groveland Unified School District*	9/21/16	✓	✓	✓
Columbia Union School District Superintendent*	9/1/16	✓	✓	✓
Curtis Creek School District Superintendent*	8/6/16	✓	✓	✓
Jamestown Elementary School District*	9/1/16	✓	✓	✓
Sonora School District Superintendent*	9/1/16	✓	✓	✓
Sonora Union High School District Superintendent*	9/21/16	✓	✓	✓
Soulsbyville School District Superintendent*	9/1/16	✓	✓	✓
Summerville School District Superintendent*	9/1/16	✓	✓	✓
Summerville Union High School District* Superintendent	9/1/16	✓	✓	✓
Twain Harte School District Superintendent*	3/22/17	✓	✓	
TUD Board of Directors: TUD Board President and General Manager	10/17/16	✓	✓	✓
Tuolumne County DA & Admin. KARPEL Case Management System (GJ 2014-2015 Response)	9/1/16 9/21/16	✓ ✓	✓ ✓	✓ ✓

* School Consolidation

Review of Responses to the Report on Amador Tuolumne Community Action Agency Executive Director

Discussion

The 2015-2016 Tuolumne County Grand Jury received a letter in January 2016, which raised concern among jurors about the perception of bias in actions performed by an employee in the ATCAA program Central Sierra Connect (CSC). A committee was formed to determine if the points raised were justified.

Recommendations and Responses

R1. No response required for this recommendation.

R2. In order to minimize the possibility of any real or perceived conflict of interest or bias, ATCAA programs must operate in a highly ethical manner. The ethics training program currently in place must not be neglected. The Grand Jury recommends that ATCAA new employees and staff, particularly staff with financial responsibilities, continue their bi-annual ethics training without fail. In addition, because contractors often represent ATCAA to the public, it would be beneficial and prudent for ATCAA to require any person or company under contract to ATCAA to adhere to the same ethical standards required of ATCAA employees.

Response for R2 was required, and ATCAA reported that they continue to have staff, all board members and major subcontractors complete ethics training twice a year. This training was found to be in place by January 1, 2017.

Review of Responses to the Report on Potential Violations of the Brown Act by the Sonora City Council, Sonora Union High School District Board of Trustees, and the Summerville Union High School District Board of Trustees

Discussion

The Sonora City Council allegedly violated the Brown Act by refusing public comment on items within the Council's jurisdiction that were placed on a posted agenda and by failing to provide copies of documents to the public that were handed out to the Council. They also initiated a discussion of an item not listed on the agenda and required a sign-in sheet without legal disclosure for participation in the public hearing. It was also noted that they did not ask for public comment on posted agenda items.

The Sonora Union High School District Board of Trustees allegedly outlined Public Comment Procedures that required individuals to identify themselves in order to address the Board and also failed to call for public comment on every agenda item listed. They also excluded the public by going into an illegal closed session.

The Summerville Union High School District Board of Education allegedly outlined public comment procedures that required both a Speaker's Request to Address the Board Submission to be completed and submitted to the Superintendent's designee, as well as the agenda Public Comment section, and failed to call for public comment on listed agenda items. They also failed to provide to the public copies of documents handed out during the meeting. It was noted that during the meeting the Board signaled intent to violate the Brown Act by agreeing to participate in a potential "serial meeting" by e-mail to an administrator outside the open and public forum. The Board of Education's website was also somewhat hard to locate and was not up to date.

The 2015-2016 Grand Jury recognized that many members of the public do not understand or know how to correct a Brown Act violation, nor do they comprehend the time frame in which to object to a perceived violation. A clear description of the Brown Act can be found at several sites: The Brown Act: Open Meetings for Local Legislative Bodies, prepared by the Division of Civil Law, State of California Office of the Attorney General, Bill Lockyer, Attorney General (2003); Brown Act Primer: Access to Meetings, First Amendment Coalition; Open and Public IV: A Guide to the Brown Act, League of Cities, 2nd Edition, Revised 2010; First Amendment Project, <[http://www.thefirstamendment.org/Brown Act](http://www.thefirstamendment.org/Brown%20Act)>,

Brochure, December 2003; and Summary of the Major Provisions of the Brown Act, Jenkins and Hogin, LLP, <<http://www.locallaw.com/>>.

Recommendations and Responses

R1. The Grand Jury recommends that the Sonora City Council, the Sonora Union High School District Board of Trustees, and the Summerville Union High School Board of Education include in their websites links to information regarding the Brown Act to enable citizens to post concerns about possible Brown Act infractions.

R2. The Grand Jury recommends that the Sonora City Council, the Sonora Union High School District Board of Trustees and the Summerville Union High School Board of Education have links to organizations such as The First Amendment Coalition for access to both Cure and Correct and Cease and Desist letters.

R3. The Grand Jury recommends that the Sonora City Council provide annual training in the Brown Act for its members and support staff.

R4. The Grand Jury recommends that the Tuolumne County Board of Education review its leadership and educational roles in servicing the Brown Act training needs for the school boards within Tuolumne County.

R5. The Grand Jury recommends that the Summerville Union High School District Board of Education consider making their website more user friendly and current.

Sonora City Council Response to R1, R2 and R3: Letter stated agreement with all recommendations and stated that web links will be provided, and their annual retreat this year will include a Brown Act training session.

Sonora Union High School District Board of Trustees Response to R1 and R2: Letter indicated disagreement with the report's third finding stating, "one person does not make a community." R1 and R2 have already been implemented on the District website.

Summerville Union High School District Board of Trustees Response to R1, R2, and R5: The District has provided an information link to the Brown Act. Uniform complaint procedures are available on the district website for local citizens to satisfy R1. To satisfy R2, they provided a link to The First Amendment Coalition. They have also made changes to ease the use of the district website and have simplified access to board information and agendas to satisfy R5.

Tuolumne County Board of Education Response to R4: The Board of Trustees letter states agreement with R4, but points out there was no finding written in the 2015-2016 Grand Jury Report (Page 31) that was addressed as concerning the Tuolumne County Board of Education. They had already implemented R4 in collaboration with the County Superintendent of Schools to

regularly arrange for board members to receive Brown Act training. It is now a part of the annual New Board Member Workshop and took place on January 19, 2017 at the Tuolumne County Superintendent of Schools Office from 5:00 to 7:00 pm.

The 2016-2017 Grand Jury noted that the level of understanding and compliance with the Brown Act may have increased in all three cases. The 2016-2017 Grand Jury were unable to find the promised Brown Act links suggested for the Sonora City Council website, but noted that they had clearer directions for public participation, and a designated place for public hearing notifications.

Review of Response to the Report Regarding Community Resources Agency and Filing Fees

Discussion

Per the Tuolumne County Community Resources Agency (CRA) website, its mission is:

...to provide responsible stewardship of community resources in Tuolumne County by providing land use, transportation, construction, housing, environmental, and public safety information and services in an efficient, courteous, professional, and cost-effective manner with the highest degree of customer service.

The 2015-2016 Tuolumne County Grand Jury received a citizen's complaint dated January 7, 2016, regarding the CRA and filing fees related to the business the CRA conducts. The issue noted in the complaint was whether or not the CRA is charging and collecting fees mandated by existing county ordinances in a fair manner.

Recommendations and Responses

R1. The Grand Jury recommends that the Community Resources Agency (CRA) and Board of Supervisors (BOS) follow the advice of County Counsel and require the appeal fee from both applicants and aggrieved parties.

A letter of response was received August 30, 2016. County Counsel had already reviewed the ordinance for fees and drafted a memorandum dated January 15, 2016, addressing the issue. The memorandum stated: "Office of County Counsel has advised the Community Resources Agency to require the appeal fee of both applicants and aggrieved parties. Should your Board wish to consider an alternative fee structure for appeals, my office can assist the Community Resources Agency in bringing forward appropriate ordinance code revisions to accomplish your Board's direction."

The 2016-2017 Grand Jury accepted this change in improved customer service as a satisfactory solution for this problem. The CRA indicated it would follow County Counsel's advice for future interactions.

Review of Responses to the Inspection of Tuolumne Utilities District

Discussion

The 2015-2016 Tuolumne County Grand Jury visit to TUD involved an intensive and detailed look at the TUD operations, water supply, and sewer system. The inspection revealed that TUD water and sewer infrastructure was in need of repairs and upgrades. The necessary capital improvement costs and operating expenses would be \$6.6 million a year over five years. The Grand Jury's original intent was to explore the feasibility of the district re-integrating with Tuolumne County, but upon investigation, it was determined that such a move was not practical. The jury chose to focus on managing TUD operating costs, exploring potential opportunities for savings, other funding, and relief solutions for customers, while highlighting for the community the unique and challenging tasks facing TUD.

Recommendations and Responses

R1, R5, R7, R8 – No response was required on these recommendations.

R2. The Grand Jury recommends that the General Manager (GM) and Human Resources (HR) Director develop, as soon as possible, a formal succession plan and process. As part of this process HR should ensure all annual reviews are conducted and brought current, and potential retiring employees should be identified semi-annually, so that cross-training can take place to avoid rehiring retirees to train their replacements.

R3. The Grand Jury recommends that TUD make water treatment consolidation a high priority in the CIP (Capital Improvement Plan), as a means of achieving greater efficiencies and possible manpower reductions.

R4. The Grand Jury recommends that the TUD Board pursue as many avenues as possible to increase revenue, including the pursuit of grants and "out of the box" ideas for other sources of revenue, as well as operational savings.

R6. The Grand Jury recommends that TUD pursue all avenues to secure adequate water rights, including County of Origin rights.

R9. While TUD Board of Directors meetings are public events, very few customers attend unless prompted by a vested interest in a subject. We recommend that the TUD Board and staff consider developing a comprehensive strategy for public outreach including the use of public advisory committees as a means of gaining feedback from customers, and step up their customer service training for employees, similar to Tuolumne County's Customer Care Program.

A letter of response received September 21, 2016, was updated again on October 17, 2016. For R2, a training plan for succession has been implemented. A Treated Water System Optimization Plan (TWSOP) has been completed as suggested in R3. R4 has been implemented. TUD does not own the water rights, and they state it is not under their control to do more about R6. TUD feels that this requires further analysis. For R9, they report numerous outreach activities and remain committed to observing Brown Act provisions.

The 2016-2017 Grand Jury is convinced that TUD has satisfied the required recommendations within their jurisdiction.

Review of Responses to the Tuolumne County Jail Report

Discussion

The inquiry into the Tuolumne County Jail included an inspection of the jail facility and interviews with the sheriff and jail staff. There were follow-up questions, and a review of jail-related statistics from the California Board of State and Community Corrections.

The Tuolumne County Jail is operated by a dedicated group of officers and support staff that is working under much less than ideal conditions. The deteriorating and outdated buildings make it difficult for the staff to effectively classify and organize the inmates housed in the jail. These difficulties decrease the safety and well-being of inmates and jail staff, increase the incidence of new crimes due to inmate-on-inmate and inmate-on-officer violence, and increase damage to jail facilities. Limitations on funding do not allow for the jail to be fully staffed, thereby limiting scheduling flexibility and increasing the length of work shifts. There are difficulties recruiting and retaining qualified employees due to a limited local recruitment pool of potential applicants and better wages for similar work in nearby counties and at the state prisons.

With the construction of a new jail, staffing needs will increase and compound the problems the County already has when hiring new, qualified employees.

The Jail Management System (JMS), used by the Sheriff's Office, does not effectively communicate within and outside of the Tuolumne County Sheriff's Office and is no longer capable of providing the county and state with quality service. The JMS needs to be replaced as soon as possible to improve the efficiency of officers and staff, as well as to improve the safety of the inmates.

Recommendations and Responses

R1, R2, R4, R5, R8, R14, R15 – No response was required on these Recommendations.

R3. Ensure the design of the new, larger jail, maximizes flexible housing arrangements to accommodate the effective classification of inmates within the budgetary constraints imposed by anticipated funding.

R6. Provide additional training opportunities, including continued support of continuing education, for jail staff to ensure they are equipped with the skills needed to interact effectively with a felon-dominated jail population.

R7. Ensure the design of the new, larger jail accounts for the county's projected needs

for inmate housing within the budgetary constraints imposed by anticipated funding.

R9. *The TCSO needs to evaluate the current and future staffing needs of the jail and increase the funding of additional staffing in order to improve scheduling flexibility, decrease costs incurred from overtime pay, and reduce employee stress as deemed necessary. This evaluation is essential prior to the move into the new jail.*

R10. *Within 90 days, the Sheriff should appoint a committee of officers to develop a formalized recruiting strategy or plan that explores additional, and expands existing outreach programs including, but not limited to employee referrals, cadet program, Columbia Community College certification courses, and incentives.*

R11. *Same as recommendation 10.*

R12. *The TCSO should continue to make funds available for continuing education and provide scheduling flexibility to allow jail staff the opportunity to spend time increasing their education.*

R13. *Advanced planning is needed to ensure additional funds are provided for the future staffing needs of the new jail. These funds should be accounted for in the FY 2017 and 2018 budget planning cycle.*

R16. *The TCSO should purchase and install a new JMS to reduce the costs of inefficient data collection, inaccurate reporting, and problematic classification of inmates and improve the safety of inmates and jail staff. This purchase and installation should occur within the next budget cycle.*

R17. *Within 180 days, the Sheriff should ask the TCBOS to convene a committee or series of meetings to assist in the identification of needs provided by a new JMS. The committee should be comprised of agencies and departments affected by the arrest, incarceration, and release of citizens in order to ensure a Jail Management System will fully meet the needs of the county and state, including the County's Information and Technology Department. The committee could also include an at-large member of the public with appropriate knowledge to facilitate the purchase.*

R18. *Same as Recommendation 16.*

A letter of response was received August 11, 2016. Responses to Recommendations are as follows:

R3. The new jail design includes a variety of housing arrangements that will accommodate the various classification levels of both male and female inmates. The housing design is comprised of two housing pods for a total capacity of 230 beds. Each pod is divided into four separate units and each unit has a lower level and mezzanine level to further aid with classification designations. The housing units are a mix of single occupancy cells, double occupancy cells or 16 person dorms.

R6. Agrees that the current 11 hour shifts of jail staff allows for a 6.5 hour

training class every month without incurring any overtime costs. This built-in training time allows staff to get 78 hours of training per year which far exceeds the 24 hours of training that is mandated by the Board of Community Corrections.

R7. Agrees that the new jail design maximizes the number of beds within the funding already acquired. The new jail design also allows for future growth should additional funding become available.

R9. Agrees and states that during the application process for State grant funding for the new jail, a “Jail Needs Assessment” was completed by Court Criminal Justice Consulting LLC. This assessment included an “Adequacy of Staffing Level” section. During the design phase of the new jail, they were required to submit an “Operational Program Statement.” One of the requirements for this document included a section on staffing of the new facility.

R10. Agrees that the Sheriff’s Office currently has a recruitment team which is actively developing a recruitment plan.

R11. Same as Recommendation 10.

R12. Agrees that the Sheriff’s Office encourages employees to utilize the County’s education incentives to obtain a higher education.

R13. Agrees that the Board of Supervisors, the CAO and the Sheriff’s Office are fully aware of the additional staffing needed. They have started building the staffing increases into the budget and are committed to running a safe and secure jail facility.

R16. Agrees that the JMS team has attended multiple JMS vendor demonstrations and has made on-site visits to various law enforcement agencies using specific management systems of interest to see which best meets the needs of our department.

R17. Disagrees that it be necessary to go to the extent of forming a new committee to assist in the identification of the future JMS. A jail management system is specialized for use in the custody setting. The information and data collected in the jail would automatically be shared with the various divisions of the Sheriff’s Office through an existing data link. Other agencies that may on occasion need information and data that has been collected by the jail can request this information and would be supplied with it via email. Most software of this kind is agency specific and specialized for the type of work done. For example, management systems for Probation, Public Defender, etc. are designed specifically for their law enforcement responsibilities. Some overlapping and sharing is beneficial.

R18. Same as Recommendation 16.

The 2016-2017 Grand Jury acknowledges that the TCSO response covered all that was required.

Review of Responses to the Report Regarding Consolidation of Tuolumne County Schools

Discussion

The 2015-2016 Tuolumne County Grand Jury initiated an inquiry into the potential cost-cutting benefits of lower management overhead, and efficient and effective use of taxpayer money through reorganizing the eleven school districts that manage 31 separate schools in Tuolumne County. However, the authority of a Grand Jury over schools in California is limited to school district performance of duties and functions, but does not cover policies, including reorganization. This task, as determined by the Education Code, falls to the County Board of Education. This being the case, the Grand Jury changed its focus to efficiencies in purchasing and inter-district transfers. The Grand Jury made these two findings and their resulting recommendations as shown below:

F1: *There is duplication in purchasing, as well as bus fleet management and other management scenarios which might benefit from further transparency. Participation in Joint Powers of Authority (JPA) appear to have potential for greater efficiencies and cost savings.*

F2: *The high level of inter-district transfer requests create administrative and enrollment issues for the districts.*

Recommendations And Responses

R1: *A cost benefit analysis of opportunities for more JPA efforts should be undertaken by every school district, and greater purchasing by the JPA should be implemented where savings are apparent.*

R2: *The 2015-2016 Grand Jury recommends that an independent and definitive study of the economic benefits and costs of school district reorganization be undertaken. The results of this study, and the section of the California Education Code covering school district consolidation, should be actively made available to all Tuolumne County taxpayers and elected officials. Grants from appropriate public or private agencies should be pursued to pay for this study.*

Based on their findings above, the 2015-2016 Grand Jury requested responses on both these recommendations from the superintendents from each of these districts listed below:

- Tuolumne County Schools
- Belleview School District
- Big Oak Flat-Groveland School District
- Columbia Union School District

- Curtis Creek School District
- Jamestown Elementary School District
- Sonora School District
- Sonora Union High School District
- Soulsbyville School District
- Summerville School District
- Summerville Union High School District
- Twain Harte School District

The **Tuolumne County Superintendent of Schools'** response finds agreement that "there exists a method, available to the school districts, to save taxpayer funds through cooperation in purchasing and perhaps other areas of administration." District personnel are committed to constant exploration to stretch funding and share resources amongst all county school districts. There is prior implementation of group purchasing already noted in the response.

The legal steps required for reorganization in the California Education Code §35511 are also noted. The Tuolumne County Superintendent of Schools full response to the recommendations is located on the Tuolumne County Grand Jury website, <<http://www.tuolumnecounty.ca.gov/DocumentCenter/View/7404>>. The response packet includes the report of a previous study of reorganization commissioned August 2000 through the Sonora Area Foundation. The response includes a 2016 list of independent firms who conduct such studies.

The **Bellevue School District** Superintendent's response agrees with both recommendations and states that both of them have been implemented. Districts already collaborate for school services, insurance, purchasing, informational technology, professional development, instructional support, and shared administrative support. They are not opposed to another effort at a reorganization study, but the study must be funded through private sources.

The **Big Oak Flat-Groveland Unified School District (BOFGUSD)** Superintendent's response states that the district became separate from Sonora in 1989 due to geographical and population differences. The BOFGUSD Superintendent noted that the community identities of each of its schools are improved by remaining separate. JPAs and many services are shared for greater purchasing power. The BOFGUSD Superintendent agrees with R1 and R2, but feels it has already taken action and believes that their present district organization is the soundest educational solution for its students.

The **Columbia Union School District** Superintendent's response agrees with R1 but says it has largely been implemented. All of the districts work together to purchase from Dell, Apple, Office Depot, Staples, Ricoh, and SYSCO. They further piggyback on state-negotiated pricing. Insurance and propane are also bulk purchased for savings. They state that there is no evidence that further price gains can be made by reorganizing or unifying districts. Funding incentives from the

California Department of Education to offset costs for reorganization no longer exist. Local Control Funding Formula (LCFF) shows it now may be more beneficial to remain separate.

The **Curtis Creek School District** Superintendent's response was in agreement with both R1 and R2 stating they have participated in all the cost savings of the County JPAs. They disagree with the F2 statement regarding significant administrative enrollment issues with intra-district transfers. California school districts have open enrollment unless they are negatively impacted. The response states that it may be more productive to seek additional funding at the state level than through local reorganization.

The **Jamestown Elementary School District** Superintendent's response agrees with R1 which is implemented already. The district's schools are always seeking new ways to share, such as professional development training on newly adopted textbooks. They neither agree nor disagree with R2. They cite concerns that reorganizing will not necessarily improve the schools. Potential loss of identity, creation of new bureaucracies, loss of access, and possible elimination of valued programs are of concern.

The **Sonora School District** Superintendent's response agrees with both R1 and R2 but states that both recommendations are implemented. The suggestion was made that the Grand Jury help put kids first and focus investigative support towards the lack of adequate State and Federal funding of our local schools, rather than asking schools with fixed funding to constantly do more with less.

The **Sonora Union High School District** Superintendent's response agrees with R1 but notes that the amount of duplication mentioned in F1 has been largely reduced in the last few years through the sharing of school services. JPA's are implemented. All districts have lower prices through group purchasing, piggyback bidding, and group pricing negotiated by the state. An extensive listing of all the ways that the Tuolumne County Superintendent of Schools Office has cultivated savings is found in this response as well as the county schools response. R2 was implemented in an earlier study conducted about unification or unionization of districts. An effort to place this on a ballot recently failed to get public support, but the Sonora Union High School District Superintendent's response indicated interest in recommendations from a new study if one were to be paid for by private funds.

The **Summerville School District** Superintendent's response states that both R1 and R2 are implemented. Students should be put first and focus should be on better funding of our schools rather than asking schools to keep doing more with less.

The **Soulsbyville School District** Superintendent's response agrees with R1 and states that there are continuous efforts in every school district in the county to establish JPAs for cost savings. The district neither agrees nor disagrees with R2. Studies have been done many times over the last 30 years, most recently in 2000,

but taxpayer money should not be used to fund such studies.

The **Summerville Union High School District** Superintendent's response disagrees partially with F1 but agrees that there are many centralized JPAs already in place. The organizational model of Tuolumne County, with eleven different districts, allows for quick responses to needs at local levels, programs, curriculum, activities, sports, field trips, and local traditions that make each school unique. It also provides better ties with elected officials "who take a strong interest in their local community resource: the school." The district agrees with R2 and would be pleased to cooperate and review findings from an economic study of school reorganization.

The **Twain Harte School District** Superintendent's response says R1 and R2 have been implemented. Purchasing cooperatives, Information and Network Technology cooperatives, instructional services and professional development cooperatives have been implemented. The Tuolumne County JPA, Bus Fleet management cooperative, and shared administrative services have also been implemented. In regards to R2, it is the district's understanding that this recommendation has already been implemented. There have been numerous studies conducted in the county and the state regarding unification or unionization of districts.

The 2016-2017 Grand Jury acknowledges that the respondents above satisfied the required requests from the 2015-2016 Grand Jury, although one response was very late.

Continuity: Response to Report Citing the Tuolumne County District Attorney's Karpel Case Management System from 2014-2015 Grand Jury Report

Discussion

The 2014-2015 Tuolumne County Grand Jury investigation of the Prosecutor by KARPEL (KARPEL) case management system recommended that the hardware and system software be installed and that the required county-secure wi-fi connection in the Tuolumne County Superior Court be complete by October 15, 2015. Problems persisted with the system. The 2015-2016 Tuolumne County Grand Jury stated that no one in the Tuolumne County District Attorney's (DA) office was taking steps to pursue this matter.

Response

The District Attorney's Office disagrees with this statement on Page 12 of the 2015-2016 Grand Jury report and further states that their office was never contacted for information about this issue. Had they done so, the 2015-2016 Grand Jury would have found that the developer of the KARPEL Solutions software has been meeting with the DA's office and is actively working with them to solve any remaining issues.

The Information Technology Department responded that it is encouraged by the recent efforts to fix the remaining items, but the process is much slower than anticipated.

Appendix

2015-2016 Grand Jury Reports and Response Summary

Report	Response	
ATCAA Executive Director: Amador Tuolumne Community Action Agency	R1	Minor problems; response not required
	R2	Accepted; bi-annual ethics training is in place
Sonora City Council: Brown Act	R1	Accepted; web link for Brown Act information promised
	R2	Accepted; complaint/compliance info will be added
	R3	Accepted; topic will be covered at annual retreat
Tuolumne County Board of Education: Brown Act	R4	Disagrees partially: Brown Act training was Nov 3, 2016 for board members and is included as transition for all new board members. The Tuolumne County Board of Education does not have authority over individual school boards.
Sonora Union High School: Brown Act	R1	Link exists on district web site for Board and Superintendent disagreed with Finding #3. "One person does not make a community"
	R2	Accepted; already has links on website for Brown Act
Summerville Union High School: Brown Act	R1	Accepted; link for Brown Act info included on District site
	R2	Accepted; First Amendment Coalition instructions are also on the website
	R5	Accepted; changes to web site gives access to agenda/info
Tuolumne County Board of Supervisors: CRA fees	R1	Accepted; County Counsel has already reviewed the ordinance for fees to be applied by both applicants and aggrieved parties
TUD Board of Directors: Tuolumne County Utilities District Board President and General Manager	R2	Accepted; partially agrees; sees merit in preparation of current employees for more advanced positions
	R3	Accepted; TWSOP complete; now seeking funding applications
	R4	Accepted; implemented and will be ongoing
	R6	Accepted; complicated and requires further analysis
	R9	Accepted; Board is committed to transparency and actively involved seeking public input

Report	Response	
Tuolumne County Superintendent of Schools: Consolidation	R1	Accepted; prior implementation of JPA's exist with ongoing constant effort to share resources in effect at County level
	R2	Accepted; Sonora Area Foundation paid for a reorganization study in August 2000; included a list of possible independent firms
		Full response released on website at: http://www.tcsos.us/wp-content/uploads/Tuolumne-County-2015-2016-Grand-Jury-Report-Stamped-Cover-1.pdf
Bellevue School District Superintendent: Consolidation	R1	Accepted; JPA's already effective for purchasing, collaboration
	R2	Accepted; already actioned; no further studies needed
Big Oak Flat-Groveland Unified School District: Consolidation	R1	Accepted; share JPAs in county already
	R2	Accepted; already actioned
Columbia Union School District Superintendent: Consolidation	R1	Accepted; JPAs in place for bulk purchasing food, technology, propane, office supplies, insurance
	R2	Accepted; State of California Department of Education no longer provides incentives for reorganization
Curtis Creek School District Superintendent: Consolidation	R1	Accepted; "open enrollment" so Finding #2 about transfers is not a problem
	R2	Accepted; already implemented
Jamestown Elementary School District: Consolidation	R1	Accepted; JPAs with county; added combined training for new texts
	R2	Accepted; reorganization may cause loss of school identity
Sonora School District Superintendent: Consolidation	R1	Accepted; purchase together now
	R2	Accepted; suggest students valued first and focus on getting more adequate State and Federal funding
Sonora Union High School District Superintendent: Consolidation	R1	Accepted; largely implemented; much sharing in all districts. F1 duplication is already reduced.
	R2	Accepted; already implemented in 2000 but would be interested to read a new study's recommendations
Soulsbyville School District Superintendent: Consolidation	R1	Accepted; continued "stewardship" of taxpayers money ongoing
	R2	Accepted; a new study ok but not taxpayer funded

Report	Response	
Summerville School District Superintendent: Consolidation	R1	Accepted; promise “stewardship” of taxpayers money
	R2	Accepted; disagrees with further study; investigate funding for schools instead and put kids education first
Summerville Union High School District Superintendent: Consolidation	R1	Accepted; disagrees with F1; TCSOS shows strong leadership in unifying, and implementing cost saving efforts for all districts
	R2	Accepted; would participate but the issue needs further study
Twain Harte School District Superintendent: Consolidation	R1	Accepted very late; participation in JPA’s with TCSOS office already
	R2	Accepted very late; implemented
Tuolumne County Sheriff: Jail	R3	Accepted; new jail design addresses this
	R6	Accepted; additional support for staff training opportunities 6.5 hrs a month without overtime costs = 78 hours per year
	R7	Accepted; new jail maximizes number of beds
	R9	Accepted; Court Criminal Justice Consulting LLC accepted plans
	R10	Accepted; already has an active recruitment team
	R12	Accepted; TCSO encourages staff to increase their education
	R13	Accepted; BOS, CAO and SO are building increased staffing needs of new jail into budget
	R16	Accepted; study of new JMS is underway; purchase soon
	R17	Disagrees; new committee not warranted; information collected would be shared with other agencies affected
CONTINUITY RESPONSE TO 2014-15 GRAND JURY RESPONSE DOC		
Tuolumne County District Attorney’s Office: Karpel System	R4	Accepted; disagreed with comments that no one is taking positive steps; said District Attorney’s office was never interviewed and there is cooperation
Tuolumne County IT Department: Karpel System	R4	Accepted; problems are being worked on but progress slower than anticipated

Sierra Conservation Center



Aerial view of the Sierra Conservation Center photo by cdcr.ca.gov

Summary

The 2016-2017 Tuolumne County Grand Jury reports that the Sierra Conservation Center (SCC) continues to maintain a high level of safety and security for both inmates and staff. The Grand Jury finds that the operation of the correctional facilities continues to meet the requirements and standards that earned the SCC accreditation with the American Correctional Association (ACA) in 2014. The SCC is currently compliant with 525 ACA standards. It is non-compliant with five issues: of those, three were non-mandatory infrastructure issues and two were policy issues. At 98.8% compliance with ACA issues, SCC will receive re-accreditation in August 2017.

Glossary

AB109	Assembly Bill 109 - California's Public Safety Realignment Act of 2011
ACA	American Correctional Association
ASU	Administrative Segregation Unit
BCC	Baseline Conservation Camp

CAL FIRE	California Department of Forestry and Fire Protection
CAP	Corrective Action Plan
Caltrans	California Department of Transportation
CDCR	California Department of Corrections and Rehabilitation
FLSA	Fair Labor Standards Act
MAC	Men's Advisory Council
NFPA	National Fire Protection Association
PIA	Prison Industry Authority
Recidivism	The tendency of a convicted criminal to reoffend
SCC	Sierra Conservation Center
SNY	Sensitive Needs Yard

Background

California Penal Code §919(b) requires the Grand Jury in each county to inquire and inspect the condition and management of the state prisons within their county. The SCC and the Baseline Conservation Camp (BCC) are public prisons subject to the Tuolumne County Grand Jury's inspection and inquiry. The BCC functions as one of 21 centers for training staff and inmates in firefighting techniques for the southern portion of California.

The Grand Jury visited both the SCC and the BCC. Opened in 1965, these facilities are operated by the California Department of Corrections and Rehabilitation (CDCR). A new section was built in the 1980s to house higher-risk offenders.

The Sierra Conservation Center's main purpose is to incarcerate and rehabilitate inmates in minimum and medium custody. The prison is separated into three units, Levels I and II for lower-risk inmates, and Level III for higher-risk inmates including those in the Administrative Segregation Unit.

Under California's Public Safety Realignment Act of 2011 (AB109), offenders may receive an early release from state prison. This has achieved reductions of the numbers of low-level inmates and parole violators. The realignment forces

counties to find alternatives to incarceration for those that commit less violent crimes. The alternative is often early release due to overcrowding.

Prior to realignment, more than 60,000 felon parole violators returned to state prison annually, with an average length of stay of 90 days. Beginning October 1, 2011 most parole violators serve their time in county jails. Also, offenders newly convicted of certain low-level offenses serve their time in county jail. Under another component of realignment, inmates who have served their full state prison sentence for a non-serious, non-violent, or non-sexual offense are now supervised upon their release by county probation rather than state parole.

Methodology

On November 16, 2016, the Grand Jury conducted a one-and-a-half hour meeting with the SCC's warden and department heads. The department heads answered all of the Grand Jury's questions. Following the meeting the Public Information Officer provided the Grand Jury a tour of the Level I and Level II yard facilities. In addition, the jurors were given tours of the recreational areas, post office, academic and vocational education facilities, the housing units, medical and dental facilities, the SCC Fire Station, the firefighter training facility, religious facilities, and living quarters.

A second visit on December 21, 2016, of the Level III yard where the long term inmates are housed, included the Administrative Segregation Unit (ASU). The ASU is for the placement of inmates in an isolated environment for their own safety or the safety of other inmates and staff. A tour was also given of the food service area, the canteen, and Receiving and Release, where inmates are processed into and out of the SCC.

A third visit to the SCC was conducted on January 18, 2017. Tours were given of the Prison Industry Authority (PIA) and the BCC. The PIA is an entity that contracts to make vests and overalls for Caltrans and CAL FIRE. There are 121 skilled Level III inmates working there with one director and two other staff.



SCC Offender Worker making jumpsuits photo by cdc.ca.gov

In January 2017 the Grand Jury received two letters expressing concern from an SCC inmate bringing attention to harassment, and health and safety issues. This warranted a fourth visit.

On March 1, 2017 the fourth visit was made to the SCC to engage the warden and department heads regarding the concerns raised. The health issues stemmed from the sighting of mice and roaches in the kitchen areas. Another health issue was several of the buildings and housing areas have leaking roofs and walls resulting in some pooling of water when it rains. These items were documented in the *California Department of Public Health Environmental Health Survey Report* issued in October 2016 and provided in CD format to the Grand Jury. This report resulted in an ongoing California Department of Corrections and Rehabilitation Corrective Action Plan.

One juror was recused from the BCC section of the investigation and report.

Discussion

Health and Safety

A 2001 Federal Class Action lawsuit alleged that the medical care in California State Prisons violated the Eighth Amendment of the U.S. Constitution which prohibits cruel and unusual punishment. In 2006 a Federal Court appointed a receiver to take over the State's prison medical care system due to the State's inability to reform the system. The SCC is one of nine out of 35 state prisons to

come out of receivership in 2016. In 2017 they expect to receive American Correctional Association (ACA) reaccreditation.

All inmates are examined the week following their arrival at the facility and are on orientation status for their first ten days. During this time they are evaluated by medical staff, are given information on available programs, and are educated about the facility. The evaluation includes medical and mental health exams, blood tests, tuberculosis test, and a flu shot.

Medical, dental, vision, mental health services, a pharmacy, and urgent care center are available. Inmates are examined as needed. There is a Treatment and Triage area (Emergency Room) for urgent needs. Inmates may be scheduled for follow-up within 72 hours. Inmates can also fill out a Sick Call slip and are able to consult with a doctor within seven days. Doctors, psychiatrists, and psychologists are on site five days a week, Monday through Friday, and are on-call 24 hours a day, seven days a week. Nursing staff is available on-site 24 hours a day, seven days a week. There is a full optometry office. Unless inmates are indigent, they are responsible for paying for their glasses.

When an inmate becomes bedridden due to medical or mental illness, he is moved to a facility based on his needs and bed availability. When warranted, an ill inmate is transported by ambulance or helicopter.

High temperatures can be an issue in the summer. There is an institutional heat plan that is implemented when certain temperatures are reached. Additional cooling methods, such as distribution of ice water are provided. Inmates with heat sensitivity are moved to a special section for monitoring.

All menus are strictly controlled and created by a registered dietitian. Religious and special dietary meals are available. Regular meals cost \$3.75 per day, per inmate. This also includes religious, vegetarian and all special diets. Kosher meals are prepared under rabbinical supervision and cost \$9.75 per day, per inmate.

The inmates receive two hot meals per day, along with a bag lunch that is handed out during breakfast. Perishable items are frozen so they will be at room temperature at lunchtime and should be consumed within four hours. Inmates with dietary health issues are given food to carry with them throughout the day.

Inmates are given 15 minutes to consume regular daily meals and 20 minutes for special holiday meals. There are three holiday meals provided: full Christmas and Thanksgiving meals, and for the Fourth of July they are given a special barbecue meal.

The cafeteria is set up for “blind feedings.” With a partition between servers and inmates, the server is unable to see who receives the trays, eliminating special treatment or harassment.

One tray from each diet from each meal, called a Deadman’s Tray, is saved in a secured container for three days to ensure safety and to determine contamination. If an inmate falls ill from suspected food contamination, the Deadman’s Tray can be inspected for bacteria. There has not been an incidence of food contamination in 25 years.

Regular exercise is encouraged with daily access to the exercise yard where an inmate can avail himself of soccer, basketball, handball, or pull-up bars. There is a gymnasium, but it is currently being used as a health center during renovation of the health center.

Visitation

Inmates are allowed weekly visitation from visitors who do not have a criminal background and have completed the required application process. Visitation is Saturday and Sunday 9 a.m. - 3 p.m.

Visitors enter the center and line up to be processed by going through a metal detector. Random skin swabs are used to check for drugs and/or explosives.

Once inside the visiting room, the inmates and visitors are observed by two guards, two cameras, and through one large observational mirror. Inmates are allowed five approved visitors at one time. The room is decorated with murals painted by inmates. All tables are low and transparent to prevent items from being passed between visitors and inmates. The visiting room’s maximum capacity is 184 which includes both inmates and visitors. There is no special policy for visiting clergy. Non-staff clergy can become an approved visitor and visit during normal visiting hours. For confidential attorney visits, the attorney needs to obtain clearance and approval before the visit by following a specified application process. During an attorney/inmate visit, a custody staff member is present during the visit, but from a distance to allow for client/attorney confidentiality.

Grand Jurors observed many inmates standing in long lines waiting their turn to make collect calls. Guards informed the Grand Jury that inmates who are in frequent contact with family adjust better to their environment.

Environment

Landscaping surrounding the Administration Building is maintained by inmates. The prison yards are blacktop, concrete, dirt and some grass. The *Sierra Conservation Center Environmental Health Survey*, completed by the California Department of Public Health dated August 2016, reported buildings in Levels I and II are in a deteriorating condition. No graffiti was evident; however, broken windows in the dorms were observed during the first visit, but were replaced by the second visit.

Administration provided the Grand Jury with the *Sierra Conservation Center Environmental Health Survey* which indicated many environmental issues. Some of those issues were observed by the Grand Jury, and some were shared by inmates. Among the issues were cracked, broken, and missing tiles, peeling paint, ceiling leaks, blown out electrical outlets, mold, mildew, cockroaches, missing light covers, faulty wiring, shelving, and water heaters not seismically secured, outdated fire extinguishers in the paint and plumbing shops, absent backflow prevention devices, deteriorated flooring, worn seats in the dining facility, unapproved electrical access, rusty partitions in restrooms, holes in walls, etc. Of 157 deficiencies identified within the Corrective Action Plan (CAP) 132 have been fully corrected as of June 6, 2017.

The SCC is currently compliant with 525 ACA standards. They are non-compliant with 5 issues: of those three were non-mandatory infrastructure issues and two were policy issues. With 98.8% compliant with ACA issues, SCC will get re-accreditation in August 2017.

Education/Vocation

There are educational opportunities for inmates who qualify for the programs. To be considered for vocational training inmates must have a 7th grade reading level. Teachers are available who will work with them to reach their reading goals.

Inmates have the opportunity to participate in numerous vocational training programs. These programs work well for those inmates with longer sentences. However a drawback of the Level I and II inmate's vocational program is because of their shorter-term sentences they don't always have enough time to complete some of these programs due to the length of time required to complete them. The SCC has provided more flexible correspondence programs of which the inmates can take advantage. Inmates with shorter sentences can work at their own pace with a greater possibility of completing their programs because the

correspondence courses can be taken with them if they get transferred to another prison, county jail, or are released. Coastline Community College of Fountain Valley, CA provides and administers the correspondence courses.

Trade programs are designed to help inmates become self-sustaining when they are released, and designed to decrease recidivism rates. Some inmates would be better served with more flexible educational and technological programs. Some of the programs available are:

- GED
- High school diploma
- Autobody
- Mechanics
- Masonry
- Carpentry
- Wastewater Treatment
- Fire Science
- Welding
- Certification for various trades

A Level III work program offered to inmates is called the Prison Industry Authority (PIA). The only time the PIA draws funds from the State General Fund is when a new program is started with the goal of reducing recidivism. Once the program is profitable, the profits are used to run the program with no further financial support coming from the General Fund. In 2010-2011 the PIA was certified by International Organization for Standardization (ISO).

The PIA began in 2010 with its first contract with Caltrans. The PIA contracts to produce various items such as coveralls and vests for Caltrans, trousers for inmate firefighters rated by National Fire Protection Association (NFPA), various types of safety vests for the state, and shirts for California Fish and Game, California Highway Patrol, and the Department of Water Resources. The PIA produces 10,000 coveralls and 25,000-30,000 safety vests annually.

The PIA has 121 offender workers and two to five staff members who oversee the operation. The hours are 7 a.m.-2 p.m. Monday through Friday. All Fair Labor Standards Act (FLSA) regulations are followed with the required two breaks and a lunch. When there is a large order to fulfill and overtime may be required the offender workers labor no later than 5:45 p.m.

There are levels of sewing proficiency starting at Level D through Level AA. Proficiency tests beyond Level D are required. Levels A and B proficiency tests require both sewing and written tests. Level D offender workers go through a

30-day trial. Pay is according to proficiency level starting at 35¢ per hour for Level D and up to \$1 per hour for Level AA.

Released PIA inmates are provided an Industrial Employability Program (IEP) packet that assists them with employment, social security card procurement, and support services information.

Citizenship

The Men's Advisory Council (MAC) is a committee of inmates elected by other inmates. The Grand Jury was informed that the MAC is diverse and each racial group is represented by a selected or elected leader. There are two MAC groups, one for Levels I and II, and one for Level III. The purpose of the MAC is to address inmate issues with prison staff.

Some of the issues the Level I and II MAC recently addressed with the prison staff were the need for more technical classes, more educational and vocational programs, receiving winter gear prior to October 31, mattresses not being disinfected, and lack of air conditioning.

Each of the MAC leaders in Level III represents a housing unit. Level III inmates are serving long term sentences, and issues presented focus primarily upon quality of life, such as physical comforts, self-improvement programs, and reducing violence.



Baseline Conservation Camp

Originally established in 1965 on the grounds of the SCC, the Baseline Conservation Camp (BCC) was moved in 1990 six miles east. It is one of twenty-one fire camps throughout California that are known as “prisons without walls”. BCC is not enclosed. The guards are unarmed, reflecting a high level of trust between guards and inmates.

The facility can house 134 inmates; there are currently 87. There are 30 “in-campers”, inmate support staff, to cover cooking, laundry, and maintenance. The cost to house inmates in-camp is \$10 per day per inmate versus the \$246.58 per day it costs to house each inmate at the SCC. The cost of providing three meals amounts to \$3.40 per day per inmate. The camp staff also feeds visiting fire crews.

Although Base Camp is staffed by the SCC, CAL FIRE owns the facility. The program is saving California money: BCC provides fire safety and emergency response services at a low cost.

To be considered for an assignment at BCC, an inmate has to pass a physical exam, must be Minimum B Custody, and a Level II or below classification. All inmates must earn the right to work in a conservation camp by their non-violent behavior and conformance to rules while they are incarcerated. Volunteers are carefully screened and medically cleared on a case-by-case basis before they are accepted into the program. Some convictions automatically make them ineligible even if they have minimum custody status. Those convictions include sexual offenses, arson, a history of escape with force, or violence.

For each day in camp, inmates get two days off of their sentence. Inmates are paid \$1.65 per day and max out at \$3.35 per day. While fighting fires, inmates earn \$1 per hour. Monies earned by inmates are placed in a trust account for their use. They can send their earnings home or save their earnings until they are released to parole.

There are five fire crews which are made up of a maximum of 17 inmates each, and the goal is an average of 14 inmates per crew. If the fire is in the county, a smaller crew can be used.

BCC firefighters are not trained to fight structure fires. They are trained to fight wildland fires.

Some of the large projects the inmates completed in 2016:

- State Responsibility Area Fire Prevention Fee Projects
- Tuolumne County Roads
- Tuolumne Parks and Recreation: Vegetation removal, trail construction and improvement
- U.S. Bureau of Reclamation: Vegetation and debris removal, fire break improvement, camp site and picnic area cleaning and small construction/maintenance projects
- U.S. Forest Service: Fire break and trail improvement
- Numerous Tuolumne County tree mortality projects
- Groveland Highway 120 tree mortality projects

Statistics from the BCC website include the following:

- Total number of projects completed (estimated) in 2016: 30
- Total number of man-hours currently (as of November) completed for 2016: 136,492
- Total number of man-hours projected to be complete in 2016: 158,272
- Total number of fire man-hours in 2016: 91,507

During their off-work time inmates can participate in hobby crafts and other leisure time activities. Visits are allowed during weekends, and families may bring a picnic lunch for the visit. Base Camp is provided with spiritual services by community volunteers.

The BCC allows some inmates to live and work in a “prison without walls” which can be a goal for many inmates. Staff report that some inmates come to understand that living at Base Camp is preferred to living life behind the walls of a prison.

Finding

- F1. Facilities' deteriorating conditions show water damage in the dorms, the chapel, and several other buildings throughout the facility. There are 25 items identified by the *Sierra Conservation Center Environmental Health Survey* that remain unaddressed.

Recommendation

- R1. Develop a timeline for corrective action on the remaining items within the *Sierra Conservation Center Environmental Health Survey*. (F1)

Request For Response

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The SCC Warden is requested to respond to recommendation: R1

Commendations

Thank you to the staff of the Sierra Conservation Center and the Baseline Conservation Camp for giving the Grand Jury several comprehensive tours of the facility and answering all of our inquiries.

The Grand Jury commends the SCC PIA program and its participants for having a self-sustaining model program, providing training in a trade, and producing quality products for the state.

The MAC and the SCC Staff are commended for building communication, mutual respect and citizenship.

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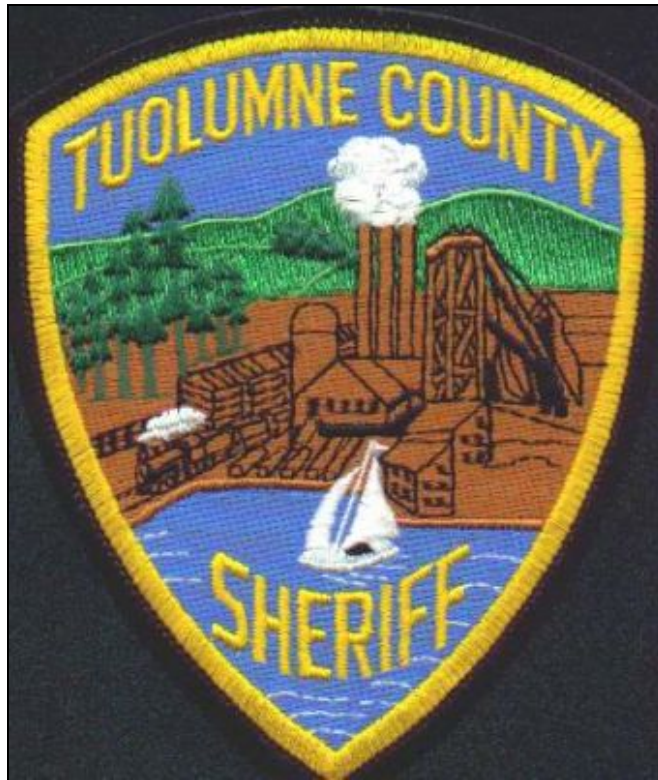
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Tuolumne County Jail



Summary

In the 2016-2017 Tuolumne County Grand Jury Jail Report, the Grand Jury found the existing jail to be outdated and overcrowded, creating potential health and safety issues. The new jail, initially scheduled to open in 2019, would alleviate these issues. However, the delay in the construction of the new jail necessitates immediately addressing these issues.

Inadequate ventilation in the garage structure and raw sewage being funneled and captured in plastic trash cans is alarming. The lack of adequate labels or hazard warnings on the electrical panels and access doors is concerning.

In addition, it was found that the jail is understaffed, and there is no formal recruitment plan in place for new officers.

The jail has numerous work programs created under the auspices of the Jail Industries Authority (JIA) that benefit the community and provide training to inmates, both men and women. Time spent in these programs counts towards reduction of an inmate's sentence and keeps them productive.

Glossary

AA	Alcoholics Anonymous
AB109	Assembly Bill 109 (2011) realigns the sentencing of nonviolent, nonsexual, and non-serious offenders to serve their sentences in county jails rather than in a state prison.
AB2012	Assembly Bill 2012 (2016) allows counties to establish Jail Industry Authorities and programs that use inmate labor to create products and provide services.
ABS	Acrylonitrile butadiene styrene is a common thermoplastic polymer.
BSCC	Board of State and Community Corrections
Essential Services Building	Police stations, fire stations, hospitals, etc., that are essential to keep in operation during emergencies.
JIP	Jail Industries Program
NA	Narcotics Anonymous
Prop. 47	Proposition 47 (2014) reduces certain drug conviction felonies to misdemeanors, and requires misdemeanor sentencing for petty theft, receiving stolen goods, and forging/writing bad checks when the amount is \$950 or less.
BOS	Board of Supervisors
TCJ	Tuolumne County Jail
TCPHD	Tuolumne County Public Health Department
TCSD	Tuolumne County Sheriff's Department

Background

California Penal Code §919(b) requires the Grand Jury in each county to inquire and inspect the condition of all jails every year. Sections 919(a) and 925 authorize the Grand Jury to investigate city and county jails and other detention facilities. The Grand Jury was tasked with inspecting the Tuolumne County Jail (TCJ).

Methodology

The Grand Jury inspected the TCJ facility on February 14, 2017. Other research included interviews with members of the Tuolumne County Sheriff's Department (TCSD) staff, review of the Tuolumne County Environmental Health Inspection Reports, and review of the Board of State and Community Corrections (BSCC) *Biennial Inspection*, dated August 6, 2015.

No jurors were recused from this investigation and report.

Discussion

The Tuolumne County Jail (TCJ) functions under a Permit to Operate issued by the Environmental Health Division of the Tuolumne County Community Resources Agency. The current permit is valid from October 1, 2016 to October 1, 2017.



Tuolumne County Jail Cell

Photo by UnionDemocrat.com

Due to the age and deterioration of the current jail facility, and its limited capacity, the Tuolumne County Board of Supervisors (BOS) unanimously approved the TCJ project budget of \$38.6 million in January 2016. Construction

was slated to begin in June 2017 but has been delayed because the State still has not approved the plans. Request for bids cannot move forward until after the County gets State approval. The new jail will accommodate approximately 230 inmates. The maximum capacity of the current jail is 147 inmates.

The safety and security of inmates, officers, and other jail employees are major components of the operations in a detention facility. The jail is required to undergo inspections every two years for compliance with the Minimum Standards for Local Detention Facilities, as outlined in Titles 15 and 24, California Code of Regulations. This inspection took place on August 6, 2015, and was conducted by the BSCC. Additionally, the jail is required to undergo inspections every two years by the Tuolumne County Public Health Department and the Fire Marshal pursuant to Health and Safety Code §101045 and §13146.1 respectively. The next scheduled inspection will be in July 2017.

Staffing

At this time the jail is understaffed by two officer positions, though it is continually at or near inmate capacity. When fully staffed, the jail employs 33 officers, with at least one female officer scheduled per shift. These officers are required to work 11 hour shifts, four days a week.

Due to understaffing, officers can be required to work overtime. If an officer is ill or takes an unplanned vacation, another officer is assigned to work overtime to cover that position. For planned vacations, officers have the option to sign up for overtime to work the vacationing officer's shift. However, if no one elects to work the overtime, the shift is assigned to the officer with the least seniority.

The jail has difficulties with officer recruitment and/or retention. It is difficult to find candidates who have at least a high school diploma or the equivalent and can pass the required background checks. With the Sierra Conservation Center and other agencies paying higher wages than the jail, retaining employees has been difficult. Another issue with retention is that many jail officers move on to become patrol officers.

Overcrowding

The jail was built in 1959 within a residential neighborhood in Sonora city limits. Over the last 58 years it has undergone several add-ons, modifications, and renovations. While its size is insufficient for current needs, there is no space in the immediate area to expand.

The jail was designed to hold inmates convicted of nonviolent crimes and/or serving short-term sentences. With the passage of AB109 and Proposition 47, many inmates are now serving years-long sentences at the county jail instead of in prison, adding to the overcrowding. The Grand Jury was informed that overcrowding can result in conflicts between inmates, creating security and safety issues. To alleviate this condition some inmates are released early. Even with this early release the jail continues to operate at capacity.

The jail has been mostly compliant with inspection requirements; however, in the August 6, 2015, BSCC Biennial Inspection there were two issues pertaining to overcrowding:

- occupancy; 4 of 10 three-person cells had an extra (fourth) bunk installed
- inappropriate use of the sobering cell

Programs

For the past three years male inmates have been offered the opportunity to work on community projects. Many inmates are currently involved in these projects. Inmates have also worked to clear parks, install signs for public safety, clear brush, clean drainage ditches, clear trails, clean homeless camps, and remove litter from roadways. Inmates who work on projects can have their sentences reduced.

Under AB2012 a Jail Industries Program (JIP) work program for females was instituted. Under the direction of the Jail Work Crews Manager, female inmates have set up a nursery. They are growing 5,000 trees for Forest Service use. Building birdhouses, bird feeders, chicken coops, Adirondack chairs, and dog houses are other work projects. Many of these items are currently available at Mountain Treasures on Tuolumne Road.

Self-help and spiritual programs available to inmates include:

- Alcoholics Anonymous (AA) - Separate weekly meetings for men and women and comprehensive AA publications. Men's meetings are provided by volunteers.
- Narcotics Anonymous (NA) - Separate bi-weekly meetings for men and women and comprehensive NA publications.
- Chaplain's Services - Men's Clergy meetings and individual pastoral counseling provided by three volunteer chaplains
- Chaplain's Services - Men's Non-Clergy: two weekly Bible study groups. Bibles and spiritual literature provided upon request
- Chaplain's Services - Women's Clergy meetings and individual pastoral counseling weekly

- Chaplain's Services - Women's Non-Clergy: six Bible study ministry and faith based drug and alcohol groups based on the "Celebrate Recovery Program"
- Family Life Education - Faith based parenting and pregnancy counseling
- Recreational Reading and Library - Inmate programs and jail staff provide a wide variety of books and literature. There are bookshelves in the housing units and the books are rotated regularly.
- Veterans Servicing Program - Available to all veterans of the U.S. Military; coordinated with the Tuolumne County Veterans Service Office and the Palo Alto VA Health Care System
- Native American Services - Counseling and case management by the Mi-Wuk Indian Health Staff

Current Facility

Upon the Grand Jury's visit to the jail, the Jail Commander provided copies of the Tuolumne County Environmental Health Inspection Report, and the Board of State and Community Corrections (BSCC) *Biennial Inspection*, dated August 6, 2015. In addition to the overcrowding findings of the BSCC report, the Grand Jury observed the following:

- Lack of windows and airflow prevents ventilation in the garage where inmates are transported to and from the facility; exhaust fumes were noted
- The new ABS pipes used to replace old cast iron sewer piping are plastic and flammable
- In the basement the sewer piping is leaking and the leakage is being funneled by tarps into garbage cans with no lids
- The garbage cans and tarps used to capture the leaking sewage are flammable
- No labels were visible on the electrical panels in the basement; Arc-Flash warning labels are missing in the basement
- There are no electrical hazard warning signs on the doors where the electrical panels reside
- Plastic garbage cans are made of combustible materials, and those over 20 gallons did not have lids

- Equipment stored at the bottom of the stairwell adjacent to cell block K is blocking the fire evacuation route

Throughout the building there are plumbing issues. At times, when there is a backup in the plumbing system, raw sewage may seep into the hallways adjacent to the kitchen.

Dispatch and some administration will not be moving to the new facility. Since this facility will remain operational it will continue to be an Essential Services Building; therefore, the health and safety issues listed above need to be addressed immediately.

Also observed by the Grand Jury were the locker rooms. The bottom floor contains the male and female officer's locker rooms. Access to the female locker room can only be made by walking through the male locker room which is also used for employee training.

New Jail Facility

The groundbreaking for the new jail was anticipated to be June 2017. Since this has been delayed, the health and safety issues listed above need to be addressed immediately.

With an estimated 69,000 square feet, the new jail will more than double the square footage of the old jail (31,154 square feet). At a maximum capacity of 230 inmates, the new facility will increase the number of inmates that can be housed by 73. An increase in staff by eight or nine officers will be needed to run the new facility. Prior to occupancy of the new jail, all personnel will require extra training. Security will have to be in place before inmates are moved in, and there will be a 90 day window to move all inmates to the new facility.

Construction of the new jail will address many issues the current facility has faced. Upon completion, the new jail will be the second building in the projected Tuolumne County Law and Justice Center.

Findings

- F1. The jail is currently understaffed by two officers.
- F2. Construction of the new jail facility is delayed. As a result the current outdated facility will be in use for much longer than projected.

- F3. Dispatch and administrative services will remain at the current facility.
- F4. There are potential health and safety issues at the current facility.
- F5. Sewage leaks in the basement are captured in large open containers, creating potential health and safety issues.
- F6. The male officer's locker room and the training classroom share the same space resulting in a disruptive environment for training.
- F7. Female officers have to walk through the male officer's locker room to get to their locker room creating privacy and potential legal issues.

Recommendations

- R1. Institute a formal officer recruitment plan. (F1)
- R2. This facility will continue to be used for dispatch and administration services so health and safety issues need to be addressed immediately. (F2, F3, F4)
- R3. Have the County Code Compliance Officer complete an immediate and thorough inspection of the current facility. (F3, F4, F5)
- R4. Correct the plumbing issues. (F4, F5)
- R5. Find a less disruptive, county-owned space for training purposes that is not in the locker rooms. (F6)
- R6. Build a partition or create a separate entrance for the female officer's locker room. (F7)

Commendations

The Grand Jury commends jail staff for going the extra mile while being understaffed and working in less than desirable conditions.

Commendation goes to the Jail Work Crew Manager for creating a successful inmate program for both men and women in just three years.

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to

the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The Tuolumne County Sheriff is requested to respond to recommendations: R1, R2, R3, R4, R5, R6

The Tuolumne County Jail Commander is requested to respond to recommendations: R1, R2, R3, R4, R5, R6

The Tuolumne County Code Compliance Officer is requested to respond to recommendation: R3

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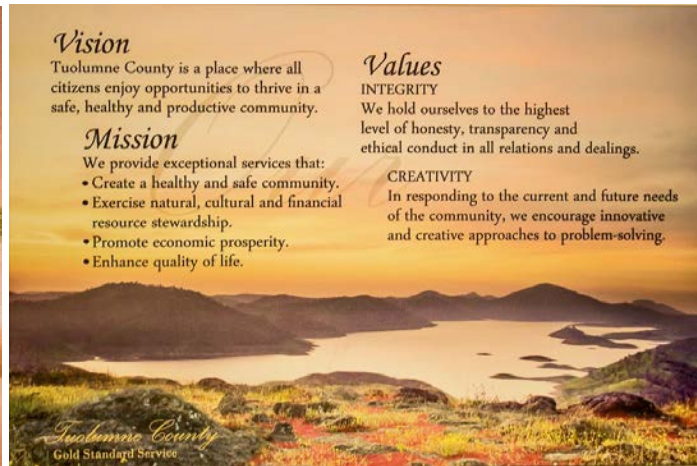
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Board Of Supervisors Overview



Summary

The 2016-2017 Tuolumne County Grand Jury was asked by the County Administrative Officer (CAO) to investigate methodologies that would automatically award the County Board of Supervisors (BOS) salary increases. Due to the recession and out of a sense of service they have not accepted a pay raise since 2006. Noting that the BOS had not been investigated by the Grand Jury since 2006-2007, the 2016-2017 Grand Jury decided to audit the Tuolumne County Supervisors' job responsibilities.

After investigation and research the Grand Jury recommends that the Board of Supervisors receive the same pay raise that county employee bargaining groups receive and recommends that it vote on its own raise in public.

With concerns about the Board of Supervisors' workload, and its ability to respond to county issues, the Grand Jury urges the Supervisors to concentrate their efforts on identifying the "Critical Few" commitments and duties regularly. The BOS is also strongly encouraged to purchase and use more current software enabling them to improve tracking progress to goals, by marking milestones, as well as organizing data to allow all board members to stay immediately informed on the many ongoing projects in Tuolumne County.

Glossary

BOS	Board of Supervisors
CAO	County Administrative Officer
CRA	Community Resources Agency
Critical Few	Vital priorities that will keep or bring the organization into alignment with its strategic goals

General Plan	State-mandated 10 to 20 year guideline for County growth and physical development including: land use, transportation, housing, conservation, noise, open space, and safety
JPA	Joint Powers Authority
Real-time	Data received with no delay
RFP	Request for Proposal

Background

At the beginning of the 2016-2017 Tuolumne County Grand Jury term, a request to study the methods for granting salary increases to Supervisors was received. While the Grand Jury considered the CAO's questions, at the BOS' request, the Grand Jury noted that the work of the Board of Supervisors had not been audited since 2006-2007. The Grand Jury decided a review of the BOS functions with its incumbent responsibilities and activities was in order.

The Grand Jury chose to review how the Supervisors worked together as community leaders, their interactions with the Tuolumne County's agencies and committees, and the strategies and goals they use to manage the delivery of services to the county. A major element of this investigation involved increased awareness of the various emergency challenges the county has been dealing with in recent years.

In September 2016 the Tuolumne County Grand Jury was required to review the Supervisor salary issue per California Penal Code, Part 2, Title 4, §927,

A grand jury may, and when requested by the board of supervisors shall, investigate and report upon the needs for increase or decrease in salaries of the county-elected officials. A copy of such report shall be transmitted to the board of supervisors.

The Grand Jury then enlarged the scope of the investigation to include an audit of the overall function of the Board of Supervisors.

Recognizing that county employees' pay was negatively affected by the recession of 2007-2009, in 2015 the BOS authorized a Request for Proposal (RFP) for a "compensation and classification" study. Koff and Associates of Berkeley, CA, a management consulting firm, was selected to complete the study for which \$151,000 was budgeted. Koff's task was to study the job classifications and corresponding salaries of county workers. This study was a step toward the goal of raising Tuolumne County workers' salaries to levels comparable to salaries of workers of other counties. County Supervisors salaries were included in the study.

Comparison of Tuolumne County Supervisors' Total Compensation

The Grand Jury took a different look at which counties to use to compare the Tuolumne County individual Supervisor compensation. The numbers in the chart below show monthly Supervisor compensation rates across comparison counties.

Note: According to the 2015 Koff Associates study, the Tuolumne County Supervisor annual salary was \$39,814. This chart includes Supervisor salary and benefits totals.

<u>County</u>	<u>Koff Study (Monthly)</u>	<u>Koff without Large Counties</u>	<u>Koff without Large & Alpine Counties</u>	<u>Neighboring "Similar" Counties only</u>
	Column 1	Column 2	Column 3	Column 4
Merced	\$11,907			
San Joaquin	\$11,900			
Stanislaus	\$8,710			
Placer	\$8,674	\$8,674	\$8,674	
Amador	\$7,640	\$7,640	\$7,640	\$7,640
El Dorado	\$7,603	\$7,603	\$7,603	
Calaveras	\$6,286	\$6,286	\$6,286	\$6,286
Tuolumne	\$5,825	\$5,825	\$5,825	\$5,825
Mariposa	\$5,722	\$5,722	\$5,722	\$5,722
Nevada	\$5,335	\$5,335	\$5,335	\$5,335
Alpine	\$4,118	\$4,118		\$4,118
Average	\$7,790	\$6,483	\$6,877	\$5,820
% Above/Below	-25%	-10%	-15%	0.0%
Number of Comps	10	7	6	5

During last year's County salary negotiations an immediate employee salary goal was to be within 20% of comparison county averages. The future salary goal target is within 10% average of comparison counties. Columns 1 and 3 indicate BOS salaries are comparatively low, although the salary in Column 3 is within 20%. Column 2 and Column 4 indicate that BOS salaries are within 10% of the comparison county averages, the County goal achieved.

The question is: Are Tuolumne County Supervisors salaries in alignment with other counties?

The answer depends on the counties you choose in the comparison.

Sources: 2015 Koff Study; Tuolumne County CAO

Comparisons with the counties in the Koff study showed Tuolumne County BOS salaries are 10% below the average of those in Column 2. The Grand Jury analyzed salary and benefits data of several comparison counties and found that at present the board salaries are closer to alignment with county goals for BOS salaries compared with counties of similar size.

In July 2016, acting in the belief that higher supervisor compensation results in a larger pool of candidates for the job, the CAO recommended an increase in salary of 14.5%. This increase would have put Tuolumne County Supervisors' salary within 20% of the mean salary (the initial goal; 10% as the ultimate goal) of comparison county Supervisors. Supervisors accepted the salary resolution for the county employees but rejected their own salary plan on August 2, 2016, and rejected a second offered raise of 2% two weeks later.

Methodology

The Grand Jury began its research at the official Tuolumne County website <<http://www.co.tuolumne.ca.us/>>, where information regarding the oversight responsibilities and legislative duties of the Supervisors is posted. Documents reviewed included the *Tuolumne County Vision, Mission and Value Statement* and the Annual Board of Supervisors' Goals. Research was conducted regarding laws concerning pay for elected officials, methods of determining compensation, the effect of increased compensation for elected officials, and supervisor salaries in other counties.

A comprehensive list of questions related to the BOS responsibilities and salaries was compiled by the Grand Jury for interviews with County administrative personnel and all current board members in January, February, and March of 2017. Interviews and discussions included Supervisor duties, strategic planning, County programs and projects, attitudes toward compensation and methods of determining compensation, history of the issue of Supervisors' salaries, the amount of time a Supervisor spends on job responsibilities, and the legalities of the Supervisor job. The Grand Jury studied Annual Reports, the *County of Tuolumne 5-Year Program and Major Projects Plan*, adopted January 7, 2014 (which covers the years 2014-2018), the board's new *Final 5 Year Plan 2017-2021*, adopted on March 1, 2017, and the *County Employees' Compensation and Classification Study* completed in 2015 by Koff and Associates of Berkeley, CA.

The Grand Jury attended several regular meetings of the Board of Supervisors to observe the proceedings. Jurors also reviewed previous and current meetings through the County website, <<http://tuolumneco.granicus.com/>>, studied board meeting agenda packages, and archived agency and committee reports.

Two jurors were recused from this investigation due to possible conflicts of interest.

Discussion

The Tuolumne County Board of Supervisors' duties, as prescribed by law, are limited to establishing policies, approving the annual budget, appointing the County Administrative Officers, County Counsel, and the Clerk of the Board. They must conduct public hearings on land usage, and the affairs of committees, commissions, and special districts. They further serve as members of the Joint Powers Authority (JPA) Boards for the Tuolumne Public Power Agency, the Mountain Counties Air Basin Air Pollution Control Coordinating Council, and Board of Equalization, to name a few. Throughout this year, the BOS has been challenged with State legislative changes and active states of emergency: drought, fire, tree mortality, flood-caused road damage.

The role of Supervisor often requires 40-60 hours a week according to interviews with current County Supervisors and administrators. Supervisors commonly sit on 10 to 15 committees and attend bi-monthly Board of Supervisor and commission meetings. The Grand Jury finds that each Supervisor contributes individual skills and experiences to meet the various objectives and duties of the BOS as a whole. Each Supervisor notes ongoing daily tasks requiring extra time in preparation and communication prior to board and committee meetings.

Personal research on topics of importance to their County constituents, JPA agreements and commitments, budgetary challenges, and personnel issues is time consuming. Bargaining with employee groups is also a critical function of the Supervisor's job. The BOS is required to approve all General Plan changes necessary for current projects. The board is currently considering extensive amendments to the General Plan. The last major update to the General Plan occurred in 1995.

Some additional supervisory activities are:

- attending meetings for special districts
- participation in service projects
- availability at public information meetings
- attending local fundraisers

One of the non-local duties cited during interviews is participation on state and federal committees to help generate and protect grant funding. Tuolumne County contains approximately 75% public non-tax producing federal and state land. Most recently, leadership and participation at the state and even national level is also necessitated by the need for solutions to active emergency situations. Tuolumne County BOS have been recognized by other counties for their leadership in these emergency responses, most notably for their Tree Mortality solutions.

Supervisor participation on numerous county committees is a time-consuming effort. Some Supervisors report that time spent in so many committee meetings can sometimes seem less than effective. For some committees, the presence of a member of the Board of Supervisors simply lends credibility to their proceedings. Since most of these committees function as advisors to the BOS, it is important that they have full membership participation beyond the board members themselves. Upon review of the *BOS Annual Report on Board Appointed Advisory Boards, Committees, and Commissions through December 31, 2017*, it appears that there are many vacancies.

In response to recommendations from the 2006-2007 Tuolumne County Grand Jury Report, the BOS and the CAO have established countywide longer-term goals with more specific strategies for achieving those objectives. The *5 Year Programs and Major Projects Plan* was adopted in 2014. The BOS reviews strategic goals at the Yearly Special Meeting, where discussions take place that include all the directors of County departments and is open to all interested citizens. This retreat takes place over two days and increases understanding between departments. The restated goals are then placed into public record at a subsequent Board of Supervisors meeting.

On March 7, 2017, the BOS adopted the 2017 Board of Supervisors Goals <<http://www.co.tuolumne.ca.us/DocumentCenter/View/2035>> in which target dates and key staff names are now included in the tracking process. Interviewees pointed to the Community Resources Agency (CRA) dashboard and quarterly budget reviews as two sources of information regarding the status of projects. Current Supervisors and administrators indicate they often need to speak directly to managers and other responsible department heads to gather information about specific projects. No project milestone tracking is currently in place.

The Grand Jury also considered the BOS pay raise questions. Many counties in California give their supervisors the same State-determined percentage raise that Superior Court Judges are granted. For example, if the Superior Court Judges receive a 2.3% raise, the County Supervisors would receive a 2.3% raise. If an employee group negotiates a 2% raise and then discovers the Board of Supervisors are receiving a 2.5% raise because the Superior Court Judges received a 2.5% raise, a conflict may arise between employees and the Board.

Another common method for determining Supervisors' raises is to award the Supervisors the same negotiated percentage raise that an employee bargaining group negotiates, (e.g., all employees or all elected officials, or other selected officials get a 3% raise and supervisors get a 3% raise). However, as supervisors are commonly involved in salary negotiations when their pay raise is to be the same as that of employees, the question could be raised that they are negotiating for themselves when they negotiate with bargaining groups. Beyond the commitment to transparency and fiscal responsibility by Board members, the checks and

balances in the system (e.g., public interest and involvement, and financial realities) can prevent the potential for issues in this area.

The Tuolumne County BOS is charged with setting its own compensation. The California State Constitution, Article XI (Local Government), §1(b) states:

...each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subjected to referendum.

The usual process of granting a raise to any group of employees, including the County Supervisors, involves two public readings before an ordinance authorizing a raise can go into effect. Some counties have inserted into their ordinance, language authorizing a salary increase to become automatic in future years once authorized, unless the BOS votes to decline it.

When voting for a salary increase, a Supervisor is voting for a raise not only for the current Board but also for its successors. Likewise, a salary increase which is declined, results in a lower salary for every future Supervisor. (See video of Board of Supervisors meeting August 2, 2016, agenda item #9 and August 16, 2016, agenda item #16 <<http://tuolumneco.granicus.com/MediaPlayer.php?view>>). Declining or accepting salary increases directly impacts Supervisor retention and future interest in vacant Supervisor positions.

Findings

- F1. With various committee responsibilities (commonly 10 to 15 per supervisor), bi-monthly board meetings, committee meetings, and representing the county in regional, state and national interests, the job of a Tuolumne County Supervisor often entails 40 to 60 hours per week which is more than a part-time position.
- F2. State and federal representation is a key role for the Board due to Tuolumne County's higher than normal ratio of public non-taxable lands to private taxable land.
- F3. State and federal representation is also needed to solicit and procure more grant monies to cope with the recent states of emergency with fire, drought, tree mortality and flood-caused road damage emergencies confronting the County.
- F4. All Supervisors are performing daily tasks (e.g., calendaring, email, communications, tracking program status) which consume time they might

spend on more strategic planning and oversight. These tasks might be handled by assistants, representatives in committee meetings, or through updated processes and procedures.

- F5. Many vacancies are apparent in BOS advisory committees that need to be filled.
- F6. The status of the *County of Tuolumne 5 Year Program and Major Projects Plan* is tracked within a Microsoft Excel spreadsheet. The individual managing this activity states that it is cumbersome and difficult to update.
- F7. Each of the two most common methods for granting supervisorial pay in California - an average based upon raises granted to various civil bargaining groups and raises equal to those received by California State Superior Court Judges - brings with them negatives that need to be considered when approving a raise method. However, using the average raises granted (in Tuolumne County's case) to the county employee bargaining groups is the most straightforward and logical way to determine a raise.
- F8. Raises granted without a vote because of an ordinance agreed to in the past, can cause significant issues with transparency and absolve supervisors of their elected responsibilities.
- F9. While supervisors have a right to accept or reject a pay raise, rejection of a fiscally responsible pay raise can cause significant problems in achieving the County Supervisors' stated goal of growing the pool of potential county supervisors.

Recommendations

- R1. The BOS should consider reviewing their interactions, efficiency, and effectiveness within the existing structure of committee and commission activities. (F1, F2, F4, F5)
- R2. The CAO and BOS should seek tools to help facilitate the update of the status of programs and projects in real-time across agencies, committees, and commissions. This will ensure that all stakeholders have access to the most current information in one place and that programs and projects status is highly visible to the Board, County agencies, and the public. (F3, F4, F6)
- R3. Tuolumne County Supervisors should receive a pay raise equal to the increases negotiated with all county bargaining groups thus establishing

fiscally responsible, consistent, and stable pay practices for the position of current Supervisors and all future Supervisors. (F1, F2, F7, F8, F9)

- R4. In the interest of transparency, the 2016-2017 Grand Jury does not favor automatic increases in pay and recommends that Board of Supervisors vote on every compensation issue. (F7, F8, F9)
- R5. The Supervisors should vote to accept fiscally responsible pay raises, thus working toward the goal of making the BOS job more financially attractive to potential supervisors. Supervisors not desiring a raise have the option to return all or part to the county. (F9)
- R6. The BOS should consider hiring assistants to help Supervisors balance their time across responsibilities and allow for more preparation and strategic planning. (F1, F2, F3, F4, F6)

Commendation

The Grand Jury recognizes the BOS members' individual commitment to their continuing roles as executors of local affairs as well as legislators, representing the County's needs on the state and national level.

Much has been done to improve processes since the findings of the 2006-2007 Grand Jury Report studying the Board of Supervisors. Beyond the formation of a BOS Mission statement and a new 5-year Plan, the current Grand Jury notes that 2017 Board Goals adopted in March 2017 contain target dates with responsible key staff names.

The members of the Board of Supervisors and administrators who met with the Grand Jury gave thoughtful replies to its questions. They are to be commended for their service to the County.

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the finding and recommendations pertaining to matters under the control of the governing body and every elected county office or agency head for which the grand jury has jurisdiction pursuant to §914 shall comment within 60 days to the presiding judge of the superior court.

The Tuolumne County Board of Supervisors are requested to respond to recommendations: R1, R2, R3, R4, R5, R6

The Tuolumne County CAO is requested to respond to recommendations: R2, R3, R4, R5

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Groveland Community Services District and the Brown Act



Hetch Hetchy is the source of Groveland's water supply photo by Kristi Traub

Summary

The 2016-2017 Tuolumne County Grand Jury investigated the Groveland Community Services District (GCSD) for possible violation of the Ralph M. Brown Act. This alleged violation occurred during an exploration of privatization of the District's water system. The investigation revealed that the GCSD did violate the Brown Act by discussing an important item which was not included on published meeting agendas for two board meetings. Grand Jury recommendations include increased training in the Brown Act and in the Raker Act.

Glossary

Ad hoc committee	A committee "appointed for a special purpose." (<i>Black's Law Dictionary</i>)
Brown Act	The law which guarantees the public's right to attend and participate in meetings of local legislative bodies.
CSDA	California Special Districts Association
GCSD	Groveland Community Services District
Raker Act	The law that created O'Shaughnessy Dam and Hetch Hetchy Reservoir.
Transparency	A lack of any hidden agendas with all information being available; required condition for an open and honest exchange. (<i>Black's Law Dictionary</i>)

Background

The GCSD is responsible for providing water, sewer service, wastewater collection, fire services, and the management of community parks in and around the Groveland and Big Oak Flat areas.

Another district responsibility is holding regular public meetings at which time the board's business is completed. Rules included in the Brown Act govern how the meetings are conducted.

Possible violations of the Brown Act triggered an investigation of the GCSD by the 2016-2017 Tuolumne County Grand Jury. The district's board of directors was accused of discussing items that were not on the published agenda.

Adopted in 1953, the Ralph M. Brown Act states that...

...public commissions, boards, and councils and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

As stated in *Open & Public V, A Guide to the Ralph M. Brown Act (April, 2016)*,

The Brown Act in general prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

1. An emergency situation;
2. When two-thirds of members present determine there is a need for immediate action;
3. When an item appeared on an agenda of and was continued from a meeting held not more than five days earlier.

The Brown Act puts other requirements on government bodies such as the GCSD. It specifies where meetings can be held, who can speak at meetings, how long citizens can speak, etc. Concerning the GCSD, the Grand Jury's investigation focused on an item discussed by the board in open meetings and whether or not notice of that discussion appeared on the public agenda, which is a requirement of the act.

Also impacting GCSD is the Raker Act of 1913. The Raker Act created O'Shaughnessy Dam, Hetch Hetchy Reservoir and, in doing so, provides the water that is used by GCSD. Section 6 of the Raker Act says...

The Grantee is prohibited from ever selling or letting to any corporation or individual, except municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided*, That the rights hereby granted shall not be sold, assigned, or transferred to any private person,

corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States...

Methodology

Interviews of involved parties took place in November and December 2016. Community members and district personnel were interviewed.

Interviews focused on how board decisions were made, knowledge and implementation of the Brown Act, “transparency,” staff training and board functioning. Board agendas, meeting minutes, and audio tapes were obtained as were relevant emails. Newspaper articles regarding privatization of the GCSD water system were reviewed.

Two jurors were recused from the GCSD investigation due to possible conflicts of interest. These jurors were excluded from all parts of the investigation, including interviews, deliberations, writing and approval of this report.

Discussion

The GCSD is overseen by a five-person board. Each member is elected to a four-year term or appointed in case of a vacancy. The general manager, hired by the board, directs the District. The general manager is responsible for the day-to-day operation of the District and the oversight of approximately 17 employees.

Two areas of responsibility for the District are drinking water and wastewater. GCSD supplies water purchased from the San Francisco Public Utilities Commission. The District also operates the sewer collection system.

The District’s website states that its “mission is to provide environmentally sound economic and compliant services that meet our customers’ needs for water and wastewater treatment, fire protection, and park facilities in the unincorporated township of Groveland, California.” GCSD works to fulfill its mission within the confines of an aging system that is costly to repair, improve and expand. While this situation is true of some small utility community services districts, the district also has to consider difficult geography and geology in completing its mission.

Completing its mission led the GCSD Board to look at the possibility of the district being purchased by a private water company (California American Water). At the initiation of one board member, communications between staff of GCSD and California American Water were discussed during the June 13, 2016, and July 11, 2016, Board of Director’s meetings. The published agendas for the June 13, 2016, and July 11, 2016, meetings do not mention the exploration of privatization of the

water district; however, the minutes and recordings of the board meetings, and interviews with board members made it clear that the discussion about privatization occurred.

The June 13, 2016, audio CD of the meeting shows that in the beginning of that meeting, after public comments were opened, a board member expressed a desire to add an information item to the meeting agenda. This agenda item (11A) had to do with the impending visit to GCSD by a private water company. The June 13 amended agenda was approved. A discussion of Item 11A at 2 hours, 10 minutes and 16 seconds of the meeting was initiated with the comment, “I’m springing this on you,” by the initiating board member. The board member mentioned having sent a letter to the private water company, and he said the general manager was made aware of this letter during the previous week. This conversation is reflected in the minutes of the June 13, 2016, meeting under informational items at which time the privatization issue was referred to the budget committee. As the discussion of the private water company was not deemed an emergency item, adding the item to the agenda violated the Brown Act.

The July 11, 2016, meeting minutes indicates a discussion of privatization of the water system by the GCSD board. At 1 hour, 7 minutes, and 32 seconds in the audio of the GCSD board meeting, the Ad Hoc Budget Committee reported that a meeting had been held with Cal Water. A discussion of this meeting followed. Because this information was not considered an emergency item and was discussed without having been placed on the public agenda before the required 72 hours in advance of the meeting, a violation of the Brown Act occurred.

This led to a complaint accusing the GCSD Board of Directors of violating the Ralph M. Brown Act.

In its attempt to investigate the idea of privatization of water services, the GCSD board decided to assign the task to the District’s Ad Hoc Budget Committee. Interviews with board members revealed that duties of the Budget Committee focus on building the budget for the coming fiscal year. The committee functions primarily between January and June, ending when the budget is complete.

The GCSD directors are offered, and have attended, trainings in various aspects of managing small districts such as legalities, ethics, leadership, responsibilities, teamwork, finance and fiscal accountability, setting goals, etc. Typically, the California Special Districts Association (CSDA) offers training in these areas. During interviews the Grand Jury learned that district personnel have not received training in the contents of the Raker Act of 1913, the legislation that created Hetch Hetchy Reservoir and GCSD’s water supply.

Findings

- F1. The Board of the GCSD violated the Brown Act (§54954.2(a)(1)) at the June 13, 2016, and July 11, 2016, meetings.
- F2. Assigning a study on privatization of the GCSD water services to the Budget Committee, an ad hoc committee, raised questions about transparency.
- F3. The directors that have attended training in various aspects of managing small districts have found it valuable.
- F4. Unfortunately, no training has been received in the requirements of the Raker Act of 1913, the legislation that created Hetch Hetchy Reservoir and GCSD's water supply.

Recommendations

- R1. Continue training in the Brown Act for new and returning directors. (F1)
- R2. New issues beyond the normal operation of GCSD should be undertaken by an ad hoc committee. (F2)
- R3. All directors should receive continued CSDA training in the appropriate behavior of board members, being successful, and being productive. (F3, F4)
- R4. All directors should receive training in the Raker Act. Formal training in the content of the Raker Act might be difficult to come by. If training is not available, providing directors with a summary of the act, highlighting the parts that affect GCSD, and including it in the policy manual would be helpful. (F4)

Commendation

Grand Jury interviews with GCSD directors produced another finding: The board of directors is and was aware soon after the board meeting of July 11, 2016, that it was likely that violations of the Brown Act had occurred. The Grand Jury concluded that any violations committed were accidental and that the board is committed to transparency in general and Brown Act compliance in particular. In fact, all the members the Grand Jury spoke with had been trained in the Brown Act and were conversant with it.

The GCSD board is to be commended for their interest in transparency and their openness to correcting errors that they make.

Request For Responses

According to California penal code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The GCSD Board of Directors and General Manager are requested to respond to recommendations: R1, R2, R3, and R4

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Tuolumne County Library



Sonora Main Library

photo by Zachary Levey

Summary

In the 2016-2017 Library Report, the Tuolumne County Grand Jury recommends that the Board of Supervisors restore the Tuolumne County Library budget, personnel, and services to pre-recession levels. It also highlights the need to fill the Director of Library Services position that was eliminated due to budget cuts in 2010.

The Grand Jury's review focuses on other issues as well. It recommends that hours and days of library operation be increased, as they were reduced in budget cutting efforts. Along with restoring hours of operations, the Jury recommends that the Board of Supervisors reopen the closed Jamestown Branch Library.

Financial aspects and future sustainability of the library are also considered by the Grand Jury. The report suggests the county undertake a study of a parcel tax and/or sales tax to produce revenues that would be dedicated for use by the Library, such as San Joaquin, Sonoma and Nevada Counties have done. Inclusion of the library into the *2017-2021 5 Year Plan* is also urged.

Glossary

BOS	Board of Supervisors
CAO	County Administrative Officer

Fiscal Year (FY)	July 1 through June 30 of each year
FOGL	Friends of the Groveland Library
FOTCL	Friends of the Tuolumne County Library
General Fund	The main operating fund used to account for County wide financial resources and liabilities, except those that require separate fund accounting.
STCHS	Southern Tuolumne County Historical Society
The Great Recession	Sharp decline of economic activity beginning December 2007

Background

The last Civil Grand Jury investigation of the Tuolumne County Library system occurred in 2006-2007. Periodic reviews are necessary to ensure the efficiency, effectiveness and transparency of the library. The Tuolumne County Library was established in July 1917 as a county free library and funded primarily through the County General Fund. Access to library services has declined beginning with The Great Recession.

The library has been without a Director of Library Services since September 2010, and, while the number of staff has been reduced, the number of library cardholders has increased. The main library and some branch libraries have had their days and hours of operation reduced. In addition to those reductions, three branch libraries have been permanently closed.

Methodology

Members of the Grand Jury held 15 interviews with past and present library personnel, Friends of the Tuolumne County Library (FOTCL) volunteers, County administrative staff, and County board members. Trips to the main and branch libraries were held to investigate library operations. Documentation pertaining to library law, statistical data, organizational charts, job descriptions, budget, social media and websites were reviewed. Although the FOTCL is a non-profit 501(c)3 organization separate from the County, because it is formed to support the library, the Grand Jury included them in interviews.

No jurors were recused from this investigation and report.

Discussion

Tuolumne County is abundant in history and natural resources. One of its most valuable, and often overlooked assets, is the Tuolumne County Library. The library will celebrate its 100 Year Anniversary on July 3, 2017. The main library and its four branches enable patrons to obtain digital and printed information from throughout the world.

The main library moved to Greenley Road in Sonora, and was dedicated on October 30, 1987. In the past there have been seven branches, but now there are four.

The Tuolumne branch is temporarily closed due to water damage. Some library services are being provided at the Youth Center adjacent to the branch. It is scheduled to reopen once repairs have been completed. The Mi-Wuk and Pinecrest branches were closed in 2009-2010 due to budget constraints. The now-independent Mi-Wuk Library is located in a County-owned building, and is being operated by volunteers. There are no current plans to reopen these branch libraries. The Jamestown area, second to the Sonora area in population, has not had a branch library since July 1996.

The Groveland and Twain Harte branches remain open. The Groveland branch library is located in the area of Mary Laveroni Park in a building owned and operated by the Southern Tuolumne County Historical Society (STCHS). The STCHS museum shares the building with the library. The Twain Harte Library is in a leased building located near the Twain Harte Shopping Center.

The bookmobile branch library visits various locations throughout the county. These locations include the Willow Springs Clubhouse, Crystal Falls, Casa Viejo, Jamestown Youth Center, Columbia Post Office, Chinese Camp, Don Pedro, Bellevue Elementary School, and Strawberry Store. Patrons who visit the bookmobile can borrow and return books, and can request books that will be delivered when the bookmobile returns. Overdue books from other branch libraries can be returned to the bookmobile. There is only one employee assigned to the bookmobile with no other person trained as a substitute bookmobile driver.

At this time some would like to replace the bookmobile which was originally purchased in 2002, and has fading decals and paint. However, with an odometer reading of approximately 90,000 miles, this is only one-third of the life expectancy for this type of vehicle, which has a diesel engine.



Faded decals on bookmobile

photo by Kristi Traub

At one time the County Public Library included the Law Library at the Courthouse. Today the Law Library has its own board and is separately administered and funded through the court.

Budget

In 2006-2007 the General Fund was \$67,745,002, but by FY 2015-2016 had declined to \$61,445,799. The library system utilizes a very small portion of the county's General Fund budget. Its budget has averaged approximately 1.79% of the General Fund over the past 10 years. The library budget for FY 2016-2017 is \$1,164,838 dollars, which is equal to 1.68% of the General Fund. The Library budget was reduced from \$1,252,851 in FY 2008-2009 to a low of \$924,503 in FY 2012-2013 and has still not fully recovered to its pre-recession level (see Figure 1 and Appendix).

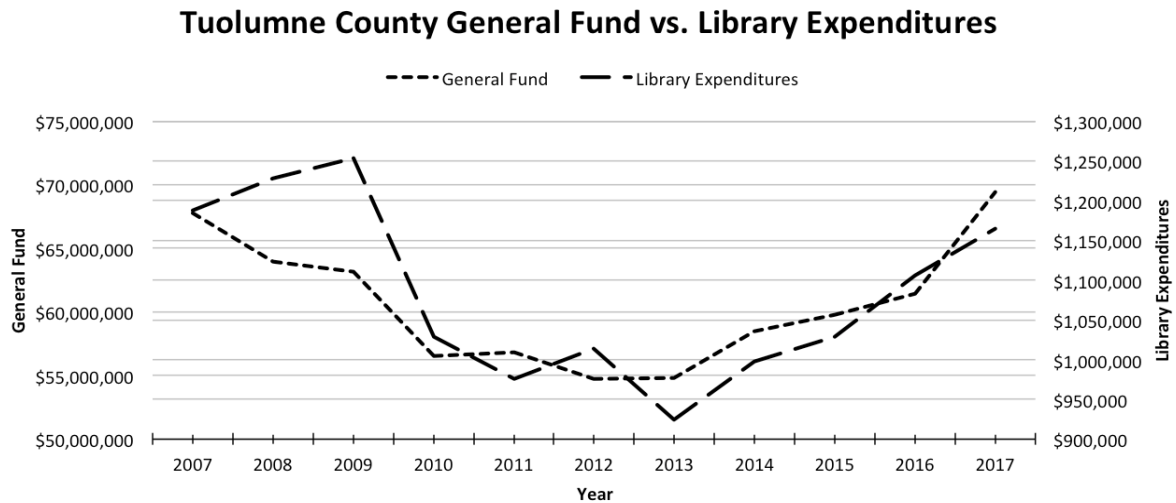


Figure 1

In 2015-2016 the actual library expenditures totalled \$1,106,362. After adjusting for inflation, to maintain the level of 2006-2007 expenditures of \$1,187,481 the 2017 budget would need to be \$1,374,559. Inflation during the 10 year period since 2007 has been over 15%.

The County has budgeted \$39,673 to lease the Twain Harte branch building for the current FY 2016-2017. The lease was \$26,980 in 2007-2008. This is an increase of 47% over the past 10 years.

Other results of The Great Recession were loss of city and state funding for libraries. City funding was lost due to the elimination of redevelopment funding and will not be restored. The Governor's 2017-2018 budget does not propose new spending for library programs. Instead, it freezes all current baseline spending.

At the time the Library Director position was eliminated, and library staff and hours were reduced, there were 27,664 active cardholders in Tuolumne County. The United States Census Bureau census of 2010 estimated the county's population to be 55,365, which means 50% of the population were patrons of the library. In 2015-2016 there were 32,372 active library cardholders or 59% of Tuolumne County's population of 54,337 as recorded at the end of 2016. This is an increase of 4,708 (17%) active cardholders since 2010, yet neither the Director, staff, nor hours have been reinstated to what they were in 2010.

The BOS, in the year 2011, saw the need to pursue a sustainability plan to secure a funding program for the library, but this plan has not been pursued. In addition, the library is not included in the *2017-2021 5 Year Plan*.

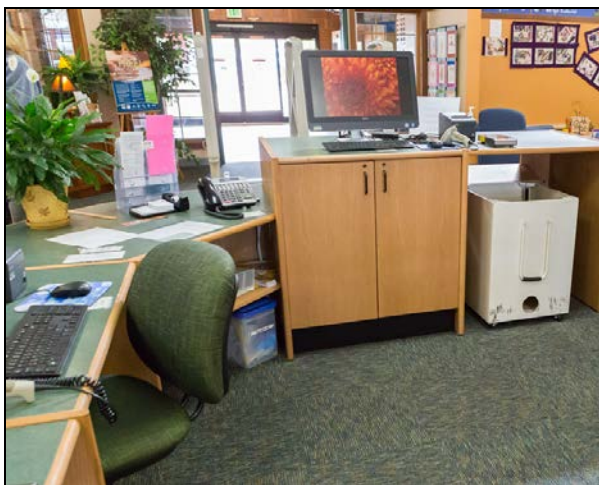
From The Sacramento Bee's January 24, 2012, article *Libraries need a little more love; lower the level for voters to approve tax increase*, the Grand Jury learned that some California counties, such as San Joaquin, Sonoma and Nevada have a parcel tax and/or sales tax to produce revenues for their library. These have paid for services such as:

homework centers, children's story times, increased public computer access/wireless connectivity and enhanced evening and weekend hours at libraries, ... maintaining children's/teen books, materials/services; providing educational services, including homework help/computer labs; expanding senior/disabled services; keeping qualified librarians; (and) restoring library hours.

Voter approved parcel and sales tax increases currently require 2/3 voter approval. The approval for an increase can provide that these revenues shall be used only to supplement existing expenditures for the library and not be used to supplant existing funding.

Fees and fines collected by the library are not separately identified in the budget, but instead are included under Library Services. The library does not use a program to track such payments. Staff members use a notepad and pencil to record payments.

Staff



Front desk at the main library

photo by Zachary Levey

In FY 2006-2007 the library had over 27 employees; eight were full-time employees and 19 were part-time or relief. In FY 2008-2009 there were 30 employees of which 15.7 were full-time or part-time benefitted employees. During The Great Recession the library lost ten employees and temporarily lost all relief employees through retirement or layoffs. These losses included the Director of Library Services position. By FY 2011-2012, library staff had been reduced to 20 employees of which 11 were full-time employees.

As of this report, the number of library workers has not been restored to pre-recession levels, with only 11 benefitted staff comprised of 8 full-time employees, 3 part-time employees with benefits, and 9 relief staff without benefits.

The only increase in 2016-2017 is a part-time position which increased from a half-time position to a three-quarters time benefitted position.

Budget and staff reductions also led to cuts in the days and hours that the libraries were open. Before 2009 the main library was open six days and three evenings a week. The main library is currently open five days per week (Tuesday through Saturday) with no evening hours. Branch libraries are open the same days as the main library, but with reduced hours. There has been no recent study to determine the optimal hours of operation of the library. It is unknown if the current hours are meeting the needs of the community.

The Groveland Branch Library is unique in that the Friends of Groveland Library (FOGL) utilizes donations and funds raised by book sales to supplement the salary of three relief employees allowing for three additional hours of operation per week. These funds are donated directly to the County's General Fund and are earmarked for the Groveland Library's payroll.

Of the library employees interviewed, the majority stated that they are overworked and spread thinly. Staff do not have time to train volunteers to supplement staff and relieve their workload. During interviews the Grand Jury learned there is low morale among some staff due to these conditions. To keep the libraries operational, some employees work beyond their permitted hours without compensation and some perform duties not in line with their job descriptions. County policy is that no overtime is allowed for employees.

Director

The most significant loss due to the recession was the Director of Library Services position. During Grand Jury interviews all library personnel and two FOTCL volunteers stated that the most important priority for the library is to hire a new Director of Library Services. The County Administrative Officer's (CAO) office indicated it may be filling the Library Director position in FY 2017-2018 by creating a new position of Head Librarian, if approved by the BOS. This proposal would downgrade the Director position to Head Librarian.

The library has been without a permanent Director since September 2010, and staff has been told this position would be filled within a few years after becoming vacant. In the past the Director of Library Services has been active in the management and promotion of the library and its activities, applied for and managed grants, solicited service clubs for donations and promoted fund drives.

The position of Director of Library Services or Head Librarian requires a Master of Library Science degree from a graduate library school program accredited by the American Library Association in accordance with Education Code §19142 which reads:

No person may be appointed to the office of county librarian on or after January 1, 1987, unless he or she possesses both of the following qualifications: Graduation from a graduate library school program accredited by the American Library Association. Demonstrated knowledge of principles and practices of public administration, including county government, and of the laws applicable to library service in this state.

Among the duties of the Director is to submit a report annually to the State and the BOS. Education Code §19169 reads:

Annual Report. The county librarian shall, on or before August 31st, in each year, report to the board of supervisors and to the State Librarian on the condition of the county free library, for the year ending June 30th preceding...

Organizational Chart

The current library organizational chart (see Appendix B) shows that the Director of Library Services (a vacant position) reports to a Deputy County Administrator and not directly to the CAO or to the Board of Supervisors (BOS). The position of Library Director is described as reporting directly to the CAO in the County job description.

There are currently three co-equal positions: Supervising Librarian, Library Operations Supervisor, and Librarian II. The titles of County Librarian, Supervising Librarian, and Head Librarian are three names for the same position depending on where it is presented (e.g., Tuolumne County website or the library organizational chart).

Website and Facebook

The Tuolumne County Library has both a website and Facebook page to keep the public informed. Having a library card enables one to enter a barcode number and password to use the library's SirsiDynix or the OverDrive Systems to:

- select and reserve books for later pick up
- borrow books from other libraries throughout the state
- download eBooks, magazines, and newspapers to an electronic device

According to various users, the Tuolumne County Library website is inconsistent across search engines and between county websites. For example, the first result in a Google search for the Tuolumne County Library takes you to the SirsiDynix system to choose a book rather than the library home page. Another example is the use of exclusively email hyperlinks under “Contact Us.” Clicking on an email address opens up the user’s default email client, which may not be configured.

Volunteers

The Friends of the Tuolumne County Library is a volunteer organization that actively promotes community interest and involvement with the library. It is a non-profit 501(c)3 organization and donations to the FOTCL are tax-deductible to the extent provided by law. In addition to the main organization, there are three other chapters of Friends: High Country Friends (which supports the Twain Harte Branch and the Mi-Wuk independent library), Friends of the Groveland Library, and the Tuolumne City Friends of the Library. Monies from FOTCL fundraisers and donations are allocated to the libraries for various purposes. The Friends of the Groveland Library is funding the salaries of the employees needed to extend the hours of operation at their branch.



Mural in Children's Library funded by community donations

photo by Zachary Levey

The funding received by the State of California for the Literacy Program is based upon the recruitment and training of volunteers and number of adults served. The number of volunteers and the number of adults served has decreased

in recent years. This year the library has hired a Library Assistant II-Literacy to oversee the volunteers for this program to comply with California Education Code §18881(a)(2)(C). It states:

Recruit and train volunteers to provide tutoring and other services in public library and other community settings.

Environment and Safety

Since the last Grand Jury report, recommendations for improvement to the main library have been completed, including new carpeting, new furniture, and automatic doors. In addition, a mural in the children's wing entitled "Nature's Wonder by Day and Night" by artist Tracy Knopf has been added, funded by a number of donors.

The work environment was reviewed and the safety of employees and patrons evaluated. Several of those interviewed mentioned the need for an ergonomic review of the work environment; this was requested by staff several years ago but was never performed. They also mentioned there have been no fire drills or in-person safety classes for over three years. Full-time staff are required to take online safety courses, but relief workers are not required to take such courses. When touring the library, it was discovered there are no emergency evacuation plans posted in areas for general viewing.

Findings

- F1. The lack of a Director has resulted in the library not having a direct voice with either the CAO or the BOS.
- F2. The unfulfilled promise of a new Director has resulted in a vague chain-of-command, inadequate outreach to service clubs, and lack of grant writing.
- F3. Job titles in the current library organizational chart, when compared to the County job descriptions, are confusing and misleading resulting in an unclear chain-of-command. (Appendix B)
- F4. To keep the libraries operational, some employees work beyond their permitted hours and perform duties not in line with their job descriptions without compensation, resulting in low employee morale.

- F5. There is insufficient time for staff to recruit, train and supervise volunteers which adversely impacts programs and operations.
- F6. Without a current study on library hours and usage, it is unknown if the current branches, hours, and days of operation are meeting the needs of our community.
- F7. The BOS failed to pursue their *2014-2018 5 Year Sustainability Plan*. As a result of this, no study was started to look for alternate methods of funding the library.
- F8. The method of tracking fines and payments on paper is antiquated and leaves it open to loss of records.
- F9. There is no backup Bookmobile Librarian, putting the bookmobile visits at risk of loss of service.
- F10. The bookmobile does not need to be replaced, but the exterior, including decals and paint, is faded.
- F11. The emergency evacuation plan is not posted in an area for general viewing. Additionally, at the time this report was written there have been no fire drills or in-person safety classes for over three years leaving the employees and patrons at risk.
- F12. Relief workers, who are paid staff, are not required to take online safety courses leaving them at risk.
- F13. An ergonomic study has not been done to evaluate the library work areas or equipment to help increase productivity and sustain the health of library employees.
- F14. Performing an internet search for the Tuolumne County Library website gives results that are confusing to users.
- F15. Offering only email hyperlinks on the Tuolumne County Library website could cause confusion for the average computer user, who might not have an email client configured.

Recommendations

- R1. Undertake a study of a parcel tax and/or sales tax increase to supplement the general fund budget for the library by December 31, 2017 in order to be on

the June 2018 General Election ballot. These funds would be used to hire a Director of Library Services with the equivalent of an ALA accredited Master of Library Science Degree and who would report directly to the CAO. This Director would also provide the required annual report to the BOS. Funds would also be used to expand hours of operation and hire additional staff to meet the needs of our community. (F1, F2, F4)

- R2. Clarify the chain-of-command and update the organizational chart to better reflect the County job descriptions and titles. (F2, F3)
- R3. Perform a study to determine optimal library branch locations, hours, and days of operation. Based on this study, generate a plan to best meet the needs of patrons. (F6)
- R4. Increase hours to permit recruiting and training of volunteers. (F5)
- R5. Include the library in the BOS *2017-2021 5 Year Plan*. (F7)
- R6. Identify fines and fees in the budget under revenue. Determine the best method to track and report receipts. (F8)
- R7. Train a substitute Bookmobile Librarian. (F9)
- R8. Repaint the exterior of the bookmobile and restore the interior to like new condition. (F10)
- R9. Procure new bookmobile sponsors who will supply removable sponsor decals and pay a recurring fee for advertising. (F10)
- R10. Staff should have an annual emergency drill and an in-person fire safety class. The fire department should provide fire extinguisher training and conduct annual fire and safety inspections. (F11)
- R11. Post at least one emergency evacuation plan visible to the public. (F11)
- R12. Require all paid staff to take online safety courses. (F12)
- R13. Complete an ergonomic study of the work area, and prepare an implementation plan. (F13)
- R14. Evaluate and update the library website. Look into search engine optimization and improving the usability of the library website. (F14)
- R15. Add a “Contact the Library” form to send messages directly to library staff. (F15)

Commendations

The dedication and hard work of the library employees through the deep budget and staff cuts of the past recession is exemplary. In our interviews with staff and FOTCL, they spoke of their love for the library and their concerns. All of the staff have taken on more responsibility without increased hours, funding or additional staff.

Library staff and volunteers, we salute you. Thank you very much.

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The Tuolumne CAO is requested to respond to recommendations: R1, R2, R3, R4, R6, R7, R8, R10, R11, R12, R14, R15

The Tuolumne County BOS is requested to respond to recommendations: R1, R3, R5

The Tuolumne County Supervising Librarian is requested to respond to recommendations: R1, R2, R3, R4, R6, R7, R9, R10

The Tuolumne County Director of Human Resources is requested to respond to recommendations: R2, R10, R11, R12, R13

The Tuolumne County Fire Department is requested to respond to recommendation: R10

The Tuolumne County IT Department is requested to respond to recommendations: R14, R15

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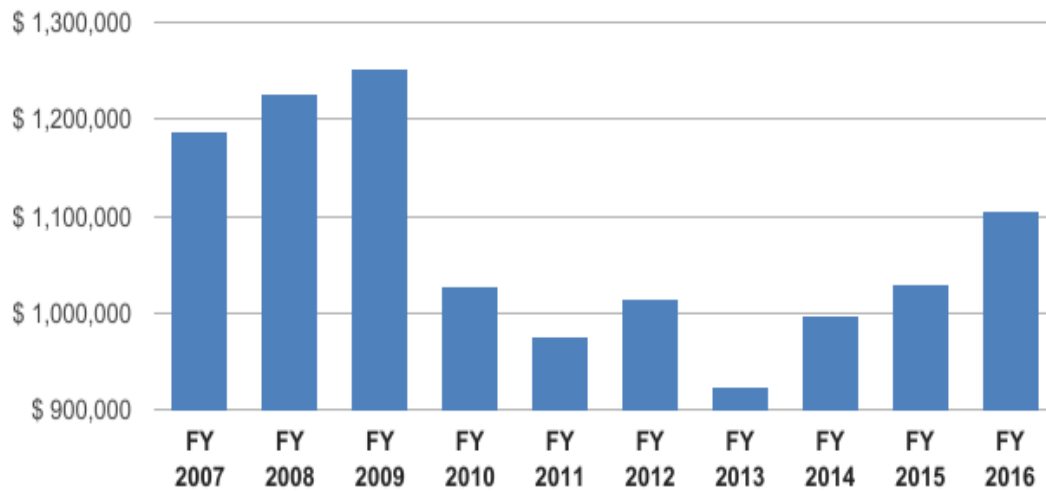
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Appendices

Appendix A

10 Year Expenditures

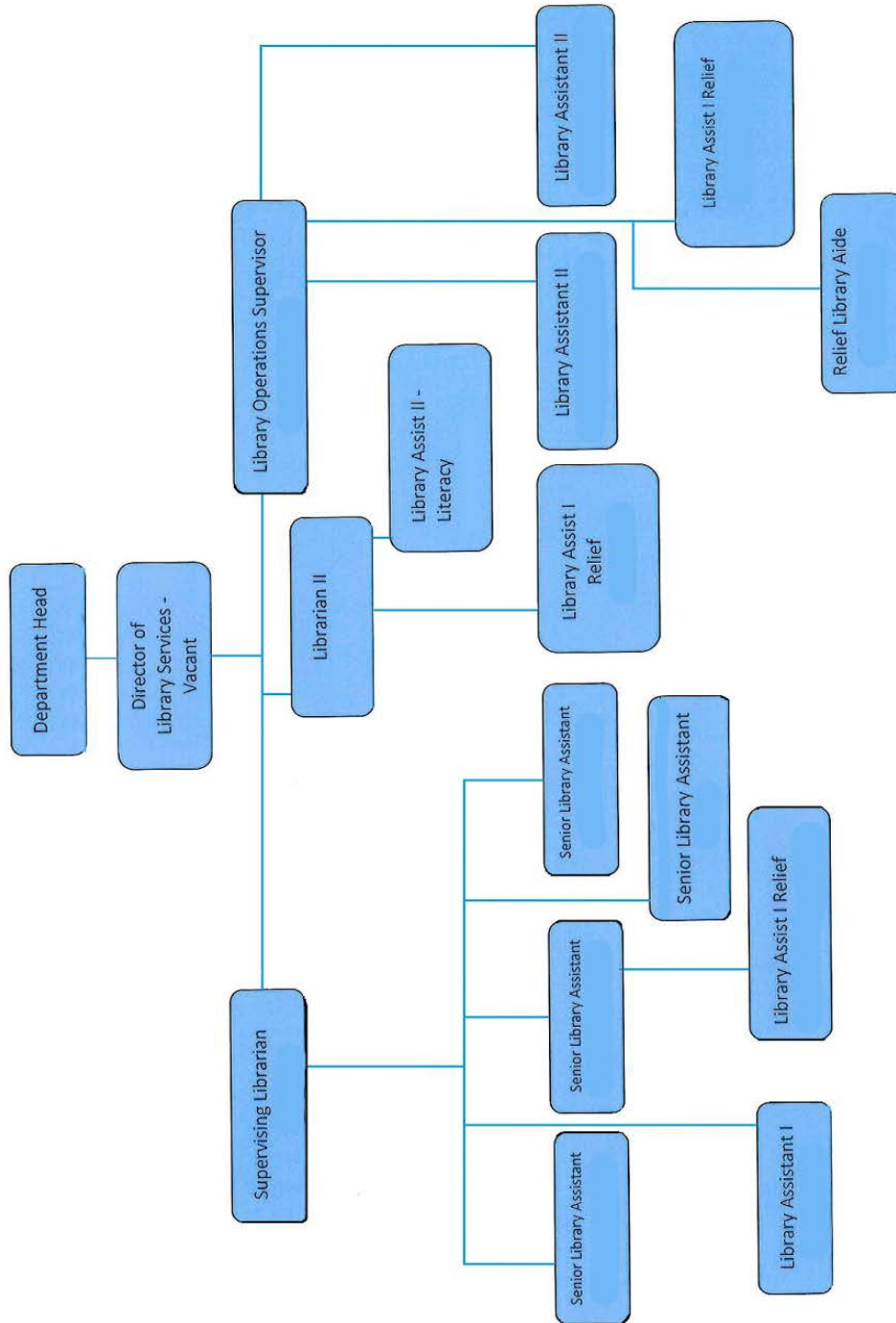


	FY 2007		FY 2008		FY 2009		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
	Actual		Actual		Actual		Actual		Actual		Actual		Actual		Actual		Actual		Actual	
Library	Regular Salaries	\$ 452,371	\$ 497,152	\$ 475,523	\$ 393,517	\$ 344,773	\$ 321,007	\$ 331,570	\$ 364,517	\$ 386,170	\$ 418,429									
	Leave C/O	\$ 28,651	\$ 20,831	\$ 20,831	\$ 10,815	\$ 10,815	\$ 14,488	\$ 23,673	\$ 17,065	\$ 18,163	\$ 58,966									
	Holiday C/O	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Hiring & Recruiting Incent	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Part-time Salaries	\$ 99,666	\$ 108,695	\$ 127,162	\$ 29,381	\$ 61,240	\$ 71,627	\$ 74,439	\$ 78,149	\$ 79,018	\$ 69,710									
	Overtime Salaries	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Salaries On Call	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Retirement	\$ 90,327	\$ 95,184	\$ 93,176	\$ 74,515	\$ 70,634	\$ 70,060	\$ 71,235	\$ 80,205	\$ 73,981	\$ 79,252									
	Early Retirement Incent	\$ 4,457	\$ 4,457	\$ -	\$ -	\$ 4,770	\$ 4,770	\$ 9,540	\$ -	\$ -	\$ -									
	Post Retire Med	\$ 7,342	\$ 9,005	\$ 8,713	\$ 10,502	\$ 1,031	\$ 19,588	\$ 24,918	\$ 21,517	\$ 23,590	\$ 23,601									
	Deferred Comp	\$ 5,584	\$ 6,301	\$ 3,520	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Disability Employer Pd	\$ 851	\$ 958	\$ 809	\$ 482	\$ 310	\$ 167	\$ 235	\$ 297	\$ 511	\$ 874									
	Employee Group Ins	\$ 155,319	\$ 169,218	\$ 167,788	\$ 150,531	\$ 134,051	\$ 107,927	\$ 106,261	\$ 107,839	\$ 104,840	\$ 108,419									
	Employee-GYM	\$ 222	\$ 269	\$ 218	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 235	\$ 470									
	Employee Physicals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Life Insurance	\$ 822	\$ 848	\$ 605	\$ 348	\$ 348	\$ 669	\$ 878	\$ 900	\$ 900	\$ 900									
	Emp Call Phone Stipend	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
	Workers Comp	\$ 10,981	\$ 22,410	\$ 29,509	\$ 15,140	\$ 77,574	\$ 93,580	\$ 9,818	\$ 10,348	\$ 9,142	\$ 8,783									
	FICA	\$ 47,212	\$ 49,841	\$ 50,264	\$ 37,534	\$ 31,905	\$ 31,011	\$ 31,923	\$ 35,501	\$ 37,448	\$ 38,443									
	Unemployment	\$ 2,899	\$ 416	\$ 1,625	\$ 1,819	\$ 12,545	\$ 6,907	\$ 6,215	\$ 1,225	\$ 958	\$ 2,870									
	Total S&B	\$ 907,684	\$ 985,615	\$ 979,741	\$ 724,584	\$ 749,996	\$ 741,801	\$ 690,529	\$ 717,561	\$ 734,956	\$ 810,697									
	Total Service & Supplies	\$ 269,758	\$ 231,885	\$ 252,935	\$ 300,204	\$ 220,572	\$ 227,764	\$ 233,973	\$ 279,729	\$ 270,897	\$ 295,664									
Intrafund Transfer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -										
Total Other Charges	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -										
Fixed Assets	\$ 10,037	\$ 10,035	\$ 20,176	\$ 3,618	\$ 5,314	\$ 44,533	\$ -	\$ -	\$ -	\$ -										
Total Dept Expenditures	\$ 1,187,479	\$ 1,227,535	\$ 1,252,852	\$ 1,028,406	\$ 975,882	\$ 1,014,098	\$ 924,502	\$ 997,290	\$ 1,028,706	\$ 1,106,361										

Appendix B

Organizational Chart

TUOLUMNE COUNTY LIBRARY
480 Greenley Road, Sonora CA 95370 (209) 533-5945



Rev. 11/2016

Org Chart, FY 2016-17

Tuolumne County Fire Department and Dispatch



Sheriff Patrol Car



Public Domain Striker Court Fire Engine



Public Domain Tuolumne County Ambulance

Summary

The 2016-2017 Tuolumne County Grand Jury investigated the organization of the Tuolumne County Fire Department and the Tuolumne County Dispatch system.

Early on in this investigation it was discovered the county was going to hire an outside consulting firm to conduct a study of Tuolumne County Fire/First Responder and Emergency Medical Services this year. They have since contracted with Matrix Consulting Group for this purpose. This study will review many of the same safety, organizational, and sustainability concerns that were brought up during this Grand Jury investigation.

Some issues which may or may not be reviewed by Matrix Consulting Group were reviewed by the Grand Jury. The current contract between Tuolumne County and CAL FIRE, along with having one person fill both the role of Tuolumne County Fire Chief and CAL FIRE Unit Chief is addressed within this report. Volunteer firefighters and the county's existing resources are other areas of this Grand Jury investigation.

The dispatch system, used to answer 911 calls made in Tuolumne County, is a system the Grand Jury reported on as well.

Glossary

Amador Plan

Public Resources Code §4144. This statute allows local government to contract with CAL FIRE to provide year-round fire protection services, provided by CAL FIRE stations which would normally be closed during the "non-fire" season.

BOS

Board of Supervisors

CAL FIRE	California Department of Forestry and Fire Protection
CHP	California Highway Patrol
ECC	Emergency Command Center
EMD	Emergency Medical Dispatch
EMS	Emergency Medical Services
FirstNet Public Safety	A national broadband network dedicated to First Responders
Next Generation 911 (NG911)	An Internet Protocol based system that allows digital information (e.g., voice, photos, videos, text messages) to flow seamlessly from the public, through the 911 network, and on to emergency responders
PSAP	Public Safety Answering Point is a call center responsible for answering calls to an emergency telephone number for police, firefighters and ambulance services.
RED Project	The Routing on Empirical Data Project is a state project that began in 2008 to collect wireless 911 call data to help route future 911 calls to the appropriate dispatch center.
RFP	Request For Proposal
SETNA	The State Emergency Telephone Number Account funds the 911 service. These funds are generated from taxes on intrastate voice telephone communication services originating within the State of California.
Schedule A	Public Resources Code §4142 authorizes the local government to enter into cooperative agreements with CAL FIRE for the purpose of preventing and suppressing forest fires or other fires in any lands within any county, city, or district of California.
TCU	Tuolumne-Calaveras Unit
TCSD	Tuolumne County Sheriff Department
UOR	Unusual Occurrence Report

Background

The 2016-2017 Grand Jury received a citizen's complaint concerning the organization of the Tuolumne County Fire Department. The complaint was found to be within the Grand Jury's jurisdiction, and an investigation was opened.

Tuolumne County currently contracts with CAL FIRE for fire dispatch services, along with emergency fire protection, emergency response, basic life support, and extended fire protection services through Schedule A and the Amador Plan. The current contract between the State of California's CAL FIRE and Local Agency, Tuolumne County, has been in effect since July 1, 2014, was amended on September 20, 2016, and is up for renewal on July 1, 2017.

Methodology

Twenty interviews took place from March through June of 2017. The Grand Jury interviewed Tuolumne County administration, a member of the Board of Supervisors, the complainant, Tuolumne County fire management, local CAL FIRE districts' administration, Tuolumne County Sheriff Department (TCSO) personnel, Dispatch personnel, and fire district volunteers.

The Grand Jury obtained and reviewed budget statements of various fire agencies and prior Grand Jury reports. Tuolumne County Fire & First Responder Study (2011), the December 9, 2016, Fire/First Responder Request For Proposal (RFP), reviews of the RFP, the Agreement for Professional Services for Consulting Services for Fire/First Responder and Ambulance Systems in Tuolumne County, and the existing agreement/contract with CAL FIRE were also reviewed. The Grand Jury toured the Sheriff's dispatch center as well as the CAL FIRE Emergency Command Center (ECC).

Four jurors were recused from this investigation due to possible conflicts of interest. Three jurors were excluded from all parts of the investigation, including interviews, deliberations, writing and approval of this report. Due to a change in circumstances, another juror was recused from the writing and approval of this report.

Discussion

On December 9, 2016, Tuolumne County released an RFP for a comprehensive study of its Fire/First Responder and Emergency Medical Services (EMS). The RFP was sent to a number of potential vendors, advertised in the local newspaper, and posted on the County's website. At the RFP deadline date, the County had received proposals from each of the following companies: Abaris Group, ESCI, Facets Consulting, and Matrix Consulting Group.

The proposals went through a comprehensive review process and Matrix was selected to complete the study. The agreement with Matrix was signed on March 21, 2017. The cost to complete this study will be \$69,000, paid from the budgets of County Fire (\$41,400) and Ambulance (\$27,600).

Previous internal studies of the County's Fire and Emergency Medical Services (EMS) were conducted in 2010 and 2011. The last one was titled, *Tuolumne County Fire and First Responder Study - 2011*. The Matrix contract represents the first review to be conducted by an outside agency.

The contract has a comprehensive list of tasks to be completed by Matrix Consulting Group, including the following:

- Review the fire and ambulance system as it pertains to emergency medical services delivery
- Review of fire versus medical calls
- Review the possible implementation of Emergency Medical Dispatch (EMD)
- Review the model and method in which fire and ambulance are dispatched in the county
- Explore the possibility of a consolidated dispatch facility (fire, EMS, and law enforcement)

County Fire, EMS personnel and a County Administrative Office (CAO) employee reviewed this contract and determined the proposed study to be adequate for guidance in developing an efficient, effective and sustainable county-wide fire and first responder system.

The Current Contract

The current contract with CAL FIRE for structural fire protection assistance will expire on June 30, 2017. An amendment to the contract was adopted by the Board of Supervisors (BOS) on September 20, 2016, to reflect recently negotiated staff salary and benefit increases. This three year contract is not to exceed \$11,945,573. For the current fiscal year (July 1, 2016 to June 30, 2017), \$4,269,290 will be paid. The current budget for the Fiscal Year 2016-2017 will exceed one-third of the original contract budget.

The amendment reflects:

Schedule A

- Communication Operators salary increases
- Benefit rate increase from 78.72% to 82.18%
- Unemployment Insurance increase from 8.28% to 10.97%
- An Administrative Charge increase from 12.59% to 12.79%

- Staff Benefit Rates
 - Extended Duty Week Compensation from 41.35% to 44.38%
 - Uniform Allowance from 40.44% to 43.37%
 - Emergency Response Bonus from 40.44% to 43.37%

Amador Plan

- Increases which include Administrative Rate from 12.59% to 12.79%
- Unemployment Insurance increased from 10.97% to 8.85% (sic)

Tuolumne County is responsible for pay raises of CAL FIRE firefighters who belong to the state union. When the union negotiates pay and benefit increases with the state, Tuolumne County is responsible for paying for CAL FIRE employees working within Tuolumne County. The contract with CAL FIRE is open for renewal every three years.

Tuolumne County Fire Chief/CAL FIRE Tuolumne-Calaveras Unit Chief

The same person fills the role of both Tuolumne County Fire Chief and CAL FIRE Tuolumne-Calaveras Unit (TCU) Chief. The Tuolumne County Fire Chief reports to the County Administrative Officer, and the CAL FIRE TCU Chief reports to the state. Having one person fill both positions allows the county to be represented at the state level, and keeps the county informed of the state's protocol. Some interviewees find this to be a conflict of interest. A "conflict of interest" can arise when a county official, employee, or consultant's personal or financial interests overlap or intersect with county business. County business is broad and certainly includes financial decisions for the county, contracts, policy decisions, and decisions regarding government. Conflicts of interest can arise in the form of financial or non-financial interests.

California Government Code §1090 reads:

Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

Volunteer Firefighters



Volunteer Recruitment

Public Domain

Volunteer firefighters can be assigned to multiple stations. Volunteerism declined from a historic high of 200 to a recent low of 36. Many business owners are no longer allowing their employees to leave work to fight a fire, so the number of people who can volunteer is limited. Recently, grant money has been obtained and used for purchasing signs and television commercials to advertise for Tuolumne County volunteers. Volunteer numbers had increased to approximately 70 when this report was written.

Columbia College (Station 79) has a fire science program that prepares and trains students for future employment as firefighters. It is a cooperative between CAL FIRE and the Tuolumne County Fire Department. A CAL FIRE Fire Captain supervises the station's personnel who are mostly Columbia College students.

The County works closely with the Columbia College Fire Department and has implemented a residential firefighter program. Under this program, students live in CAL FIRE/Tuolumne County Fire Department (TCFD) and other district fire stations while attending Columbia College and responding to calls in the evenings and on weekends. There is a small compensation or stipend given for shift work and for responding to calls.

Existing Resources and Fire Mitigation Fees

Under the current contract the fire protection resources consist of personnel, buildings, and equipment. Most fire protection personnel are employed by CAL FIRE. Some of the equipment is owned by CAL FIRE and some is owned by Tuolumne County. Tuolumne County's equipment is old. For example, a few existing Tuolumne County water tenders are from the 1970's. Replacement funding is limited.

Some counties pay for fire equipment through mitigation fees. Mitigation fees, pursuant to the State Mitigation Fee Act, have not been required of all developers in Tuolumne County. Some developers have made plans for three-story buildings in the County which would require a ladder truck. Mitigation Fees could offset the cost of a fire ladder truck which costs between \$525,000 and \$550,000. Currently two fire stations within the county have a ladder truck; the rest do not.

Neighboring Calaveras County has a Fire Mitigation Ordinance listed on their County website. A section of it states:

... pursuant to State Mitigation Fee Act, as set forth in Chapter 5, Division 1, Title 7 of the California Government Code (commencing with Section 66000) to provide the authority for and process by which development fees may be imposed for fire prevention, suppression and emergency response within the unincorporated territory of the county covered by district's legal geographic area of responsibility. Such fees may be imposed by the county for the district whose proposed improvements can be financed based upon a reasonable relationship between new development and the fee to be charged. It is intended that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on a District's ability to provide such service.

It was learned that several County fire stations are not sustainable without additional financial resources. Some property tax assessment fees that pay for certain fire district operations have expiration dates or do not keep up with inflation.

Dispatching Tuolumne County 911 Calls

There are currently four separate but interactive dispatch centers serving Tuolumne County: Sonora Police, Tuolumne County Sheriff, CAL FIRE in San Andreas, and California Highway Patrol (CHP) in Merced. These dispatch centers are responsible for sending out emergency resources as needed. The agencies respond to both cellular and landline emergency 911 calls.

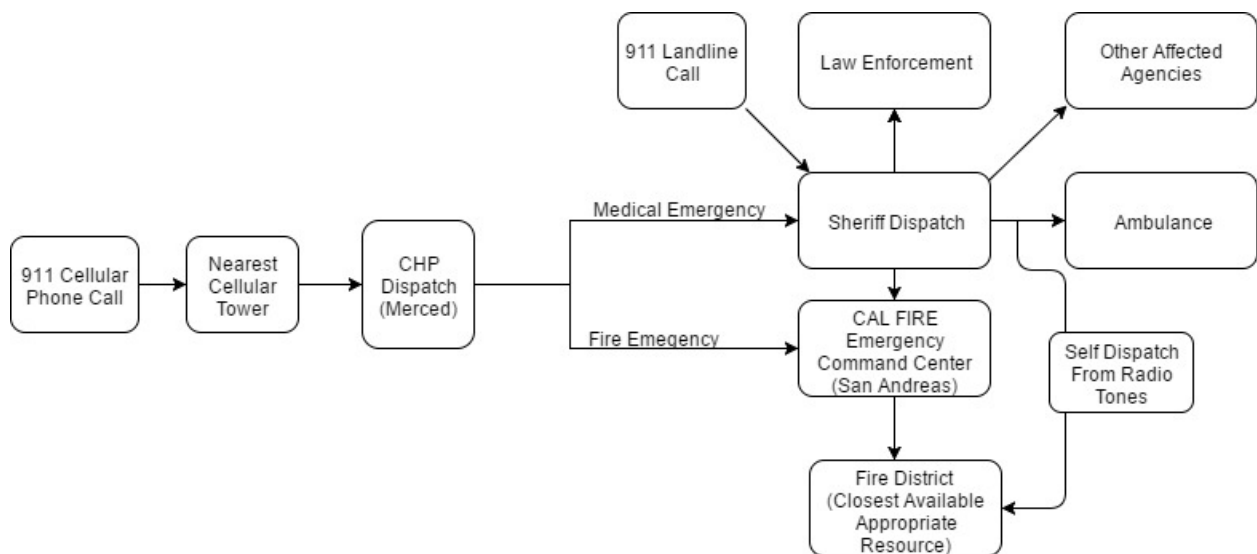
Most 911 cellular phone calls that originate in Tuolumne County go to the dispatch center in Merced due to the current Public Safety Answering Point (PSAP) system. If the cellular 911 call is a medical emergency, the call is transferred from Merced CHP to the Tuolumne County Sheriff dispatch center, who will summon an EMS response. If the cellular 911 call is a fire emergency, the call is transferred from Merced CHP to the CAL FIRE Emergency Command Center (ECC) located in San Andreas, who will dispatch fire resources.

Landline 911 calls are routed to the either Tuolumne County Sheriff dispatch

center or Sonora Police Department depending on whether the call originated from within the city or county limits.

Cellular phones were initially viewed as car phones, and any emergency cellular call was routed to the CHP. Cellular phones are no longer only car phones, and their 911 calls are now routed based upon the location of the nearest available cell tower from where the call originates. The cellular phone service providers such as AT&T, Verizon, and T-Mobile, have created service coverage maps which are shared with dispatch centers. Within these maps, areas are designated for 911 calls to be dispatched to either the CHP, Sheriff or Sonora Police Department depending on the location of highways and jurisdiction within Tuolumne County.

Due to the location of highways in the county most cellular 911 calls are dispatched in this manner:



When cellular 911 calls are made within the highway section of the coverage maps, they are transferred to the CHP dispatch center located in Merced. Since many emergency incidents happen in the highway area, Merced receives many of Tuolumne County's 911 cellular calls. If the incident occurs along the highway corridor, CHP is dispatched to the scene. If it is not a vehicle accident or highway emergency, the Merced CHP transfers the call to either the Tuolumne County Sheriff Dispatch or the Sonora Police Dispatch. The TCSD dispatches the ambulance and/or calls the CAL FIRE ECC. The CAL FIRE ECC dispatches the nearest first responders to the incident. Many interviewees stated that there is a high occurrence of dropped calls during multiple transfers, and a delay and/or occasional loss of information in this process.

The process to route cellular 911 calls to the nearest dispatch center is continually being updated and adjusted. A program called the California Wireless

E9-1-1 Routing on Empirical Data (RED) Project, which began in July of 2008, requires the Tuolumne County and Merced CHP PSAPs to coordinate with cellular service providers in evaluating locational data collected during 911 calls. These data, which are reviewed at least once a year, allow the PSAPs to determine appropriate dispatching based on the type of emergencies that frequently occur in specific sectors near cell towers. The cellular service providers then program the radios in their cell towers to route the calls to either CHP or TCSD.

The Grand Jury learned that AT&T has partnered with the federal government in a nationwide FirstNet Public Safety system to develop a national broadband network dedicated to America's police, firefighters, and emergency medical services. The federal government will contribute six billion dollars and AT&T will contribute 40 billion dollars. This project is being developed for first responders, but the public will be able to use it unless there is a county emergency. In an emergency, devices that are registered to a public agency will take precedence over those registered to the general public. This is projected to be completed in stages over the next 25 years.

Next Gen 911 (NG9-1-1) is a nationwide program that allows digital information from the public to seamlessly flow to first responders through the network. Through NG9-1-1, text, images and video can be sent to emergency dispatch centers. Tuolumne County anticipates having the ability to receive this type of communication within the next year.

The Federal Communications Commission is working to improve the accuracy of locating the device from which the 911 call was made. As of now only the X and Y coordinates are provided for the origin of the call, however in five to ten years a Z coordinate will be added to locate elevation (floors, etc.).

Funding the 911 System

Currently the State Emergency Telephone Number Account (SETNA) Fund is used to pay for the 911 system. The SETNA Fund is a state surcharge/tax collected for voice transmission of landline or cellular phones made within the state. Today most communication is via text or email rather than voice transmission, so the government is looking into a way to tax the device itself rather than voice transmission. Tuolumne County Sheriff Dispatch anticipates having text to 911 within six to nine months of this report.

Emergency Medical Dispatch

As of the writing of this report, Tuolumne County PSAP does not have an Emergency Medical Dispatch (EMD). The Association of Public-Safety

Communications Officials (APCO)-International defines EMD as:

An Emergency Medical Dispatch is a systematic program of handling medical calls. Trained telecommunicators, using locally approved EMD Guidecards, quickly and properly determine the nature and priority of the call, dispatch the appropriate response, then give the caller instructions to help treat the patient until the responding EMS unit arrives.

Since EMD does not currently exist, first responders from local fire districts are dispatched to all medical calls. The majority of those interviewed stated the county would benefit from having an EMD.

Automatic Aid Agreement

On May 17, 2016 the Board of Supervisors approved the Tuolumne County Fire Service Providers Automatic Aid Agreement with the Tuolumne County fire service providers. The scope of this agreement includes:

...automatic assistance in responding to code three emergency responses. Code three emergencies are defined as the use of lights and sirens. Examples of calls that require code three responses are: life threatening medical emergencies, fires, vehicle accident, hazardous material incidents, and other types of emergency incidents that are within the standard scope of service provided by departments in the Automatic Aid System.

With the Automatic Aid Agreement in place, fire districts within the county listen to radio pre-alert tones and will self-dispatch to an incident if they are within proximity to the incident and are appropriately staffed with the necessary personnel and equipment.

The same process occurs with medical calls. Many fire stations respond to medical calls prior to being dispatched. The stations actively listen to radio pre-alert tones and respond if they are appropriately manned, are in proximity to the incident, and choose to respond. This sometimes results in multiple engines responding to the same incident.

Multi-Agency Dispatch Center in Sonora

Nearly all interviewees expressed concern with the current dispatch system and recommended that a multi-agency dispatch center be established on South Forest Road in Sonora. The ECC has been planning to move to Sonora since 2010. A multi-agency dispatch center would include representation from each agency within the emergency response system in one location.

Uniformity of Dispatch Protocols/Language Used

During the Grand Jury's investigation it was found that, depending upon which dispatcher was on shift, calls would differ in the protocol or format used immediately after the pre-alert tone. This may result in confusion and delay of call handling. For example, incident type, community, and location would be given in a different order depending on the dispatcher on duty.

Unusual Occurrence Reports

An Unusual Occurrence Report (UOR) is a way of documenting unusual issues that occur during the dispatch process. These issues need guidance and clarification from the ECC. An example of an unusual occurrence would be when one fire district is dispatched over another that is closer.

Interviewees expressed a mixture of approval and disapproval for the current UOR system. Several stated that they do not use it because it seems ineffective. The Grand Jury was told the UORs are not addressed by the ECC in a timely fashion, and at times it takes multiple phone calls to receive a resolution to the report. It was further stated they are not used because of the potential of ECC not dispatching local fire districts who file UORs. Some who were interviewed were not aware of the UOR's existence. Currently there is not a standing agenda item specifically dedicated to UORs during the monthly Tuolumne County Fire Chief's meeting, but rather the UORs are addressed via phone conversations or emails.

Findings

- F1. Having the same person fill the role of both Tuolumne County Fire Chief and CAL FIRE Chief does not provide equal representation for either agency and may represent a conflict of interest.
- F2. The CHP should not continue to be the primary contact for Tuolumne County cellular 911 calls as time and data can be lost in the transferring of calls. Merced CHP Dispatch does not know the geographic layout of Tuolumne County.
- F3. Taxes, which pay for 911 services, are being charged for voice transmission via landline or cellular calls; however written text is becoming more of the standard mode of communication.
- F4. Fire and EMS resources are not adequately distributed in the county. The nearest ambulance to Pinecrest is stationed at Mono Vista which is 23 miles (or 29 minutes) away. The majority of 911 calls are medical, but there are only four EMS stations in Tuolumne County.

- F5. The order of information (incident type, community, and location) given to first responders after a pre-alert dispatch tone is sometimes inconsistent, and may result in delay of response.
- F6. Fire resources unnecessarily responding to emergency medical aid calls that are not life threatening can result in excessive wear and tear to expensive fire trucks and expose civilians to the danger of responding fire engines.
- F7. The current mechanism for funding the County fire system is unsustainable.
- F8. Currently there is not a standing agenda item specifically dedicated to UORs during the monthly Tuolumne County Fire Chief's meeting, but rather the UORs are addressed via a phone conversation or email, resulting in little opportunity for group discussion.
- F9. There is loss of time and possible loss of data when calls are transferred to multiple dispatch centers.

Recommendations

- R1. Explain to the Grand Jury how having the same person fill the role of Tuolumne County Fire Chief and the TCU's CAL FIRE Chief, while being paid by both the county and the state, is not a conflict of interest. (F1)
- R2. Continue implementing and developing RED Project to route GPS data to the appropriate dispatch center. (F2)
- R3. Support and lobby for a way to capture a percentage of fees from cellular phone providers for the Tuolumne County cellular device 911 calls or texts routed to Tuolumne County. (F3)
- R4. Relocate some existing fire equipment and personnel. Add EMS stations to areas where they are capable of responding more quickly to emergencies. (F4, F6)
- R5. Develop a consistent protocol and universal language to be used by all dispatchers. (F5)
- R6. Establish an Emergency Medical Dispatch and train PSAP call takers to become EMD dispatchers. (F6)
- R7. Institute a fair mitigation/building fee program that would help fund fire equipment replacement. (F7)
- R8. Include a standing agenda item for the monthly Tuolumne County Fire Chiefs' meeting to address issues recorded in the UORs as a formalized way of giving productive input. Use this feedback to improve the dispatch

process and eliminate confusion surrounding the unusual occurrence. (F8)

- R9. Relocate the existing independent dispatch centers to a multi-agency dispatch center in the County. Having a multi-agency dispatch center would prevent response delay and loss of information. In addition, there would be cost benefits for facilities and utilities by combining these agencies. (F9)

Commendation

The Grand Jury commends the CAO and BOS for supporting and funding an outside comprehensive study of Tuolumne County Fire/First Responder and Emergency Medical Services.

The Grand Jury commends the recent recruitment efforts for volunteer firefighters.

The Grand Jury commends the Sheriff and his communications staff for continually upgrading, modernizing, and utilizing a complex and constantly changing dispatch system.

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The Tuolumne County BOS is requested to respond to recommendations: R1, R2, R3, R4, R6, R7, R9

The CAO is requested to respond to recommendations: R1, R4, R6, R7, R9

The Tuolumne County Fire Department is requested to respond to recommendations: R5, R8, R9

The Tuolumne County Sheriff is requested to respond to recommendations: R2, R3, R5, R6, R9

The Tuolumne County Ambulance is requested to respond to recommendation: R9

County Counsel is requested to respond to recommendation: R1

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Information Technology Department

Preface

The 2016-2017 Grand Jury acknowledges that the content of this report exposes various security risks within County government. It is the Grand Jury's firmly held belief that the issues the Grand Jury has discovered will not be addressed by the county unless they are brought to light in the spirit of transparency. This is why the Grand Jury exists. The Grand Jury has made best efforts to limit specifics where possible, while still providing sufficient information to address the problems outlined here. Extraordinary precautions have been taken, and, under the authority of the *Order Authorizing 2016/2017 Grand Jury to Disclose Confidential Information*, dated March 6, 2017, the Grand Jury provided advance notice to the county of the most critical public-facing issues discovered. The hope of the Grand Jury is that in doing so the IT Department would have as much time as possible to resolve those issues prior to the release of this report. Absolutely no penetration testing was performed by, or on behalf of, anyone on the Tuolumne County Grand Jury.

Summary

The 2016-2017 Tuolumne County Grand Jury investigated the Tuolumne County Information Technology Department. The Grand Jury was terrified. Security, policy and procedures, training, and project management need to take more prominence in the IT Department and throughout Tuolumne County.

Serious security issues exist throughout the county's fleet of devices, and staff are untrained and unfamiliar with current best practices to respond to security incidents. This, along with inconsistent training and event tracking result from a lack of clearly defined processes and an atmosphere that addresses issues in a reactive manner instead of proactively anticipating potential problems. Staff do not look further than the county for input on how processes could be improved.

Innumerable issues exist with hardware and software leaving catastrophic risk of damage to county resources, which will inevitably be shouldered by taxpayers. IT facilities lack appropriate physical security and utilize sprinklers for fire suppression. Unaudited access to IT facilities is granted to third parties. Backups are stored in volatile locations, exposed to environmental risks.

To quote Benjamin Franklin, "By failing to prepare, you are preparing to fail." Few policies exist per standard industry guidelines, and those that do exist are woefully out of date. The lack of many formal policies and procedures has allowed inconsistency in processes and legal compliance to permeate the IT department.

Policies for training, password management, data retention, disaster recovery, secure data destruction, logging, auditing, and legal compliance do not exist and therefore can not be observed.

Expensive hardware is not being utilized to capacity. Audits are not being performed of computers, facilities, network access devices and logs.

- Network equipment is not being maintained.
- Servers are not being maintained.
- End user devices are not being properly maintained.
- Canary Testing is not being performed.
- A large portion of the hardware in the county is End-Of-Life and no longer supported by the vendor.
- The Storage Area Network is *still* incomplete.

A common phrase repeated in medicine is, “If it’s not written down, it didn’t happen.” This is no less true in technology or politics. The ticketing platform is incapable of providing consistent tracking of support requests. Staff are not adequately trained in their support systems, software, and maintenance methodologies and are not keeping sufficient records to be able to reduce their labor through process reuse.

Insufficient staff are employed to support the vast array of users and departments they’re assigned. The county needs a security analyst and should implement staggered schedules to ease the imposition that current maintenance requires. While there is an adequate pool of local candidates, hiring and promotion are prioritized from within and from other county departments. This creates a knowledge vacuum of staff trained with the most current technological needs.

The Tuolumne County project approval process neglects to include IT in final approval to prevent damaged equipment. There is no consistent project management process.

County websites suffer from serious security and reliability issues, Search Engine Optimization (SEO) problems, neglect to adhere to standards, and utilize more resources than are required on current platforms.

While some of these discoveries will take a sea change to implement properly, more than half of them can be resolved in minutes with the right knowledge or training.

The Grand Jury report details the immediate need to address each of long-term issues and other problems that result from a lack of clearly defined processes.

Glossary

AMT	Asset Management and Tracking; a systematic process of deploying, operating, monitoring, maintaining, upgrading, and disposing of assets cost-effectively.
ARIN	American Registry for Internet Numbers; one of five regional Internet registries responsible for the worldwide technical coordination and management of Internet number resources. ARIN manages these resources within the United States, Canada, and many Caribbean and North Atlantic islands.
ASN	Autonomous System Number; Internet Address block groups used by various routing protocols by regional Internet registries and assigned to network operators.
BOS	Board of Supervisors
Botnet	A network of private computers infected with malicious software and controlled as a group without the owners' knowledge.
Brute-force	A form of trial and error method used to decode encrypted data such as passwords through exhaustive effort, usually through the use of a series of dictionary-style attempts.
BYOD	Bring Your Own Device
Canary Testing	The process of releasing updates or changes to a small group of users first to identify problems before releasing the changes to all users. This process minimizes the risk of a complete outage or catastrophic problems by allowing the Canary group to identify and resolve problems first.
CAO	County Administrator's Office
CIDR	Classless Inter-Domain Routing; a method for allocating IP addresses and IP routing using subnets of varying size and scale.
COI	Communities of Interest
CPU	Central Processing Unit; the part of a computer in which operations are controlled and executed.
CSRC	NIST's Computer Security Resource Center; The National Institute of Standards and Technology Computer Security Resource Center facilitates broad sharing of information security tools and practices, provides a resource for information security standards and guidelines, and identifies

	key security web resources to support users in industry, government, and academia.
DKIM	DomainKeys Identified Mail; an email authentication method designed to detect and prevent email forgery.
DNS	Domain Name System; the service that provides resolution of IP addresses from human-readable domain names.
DR	Data Retention; the continued storage of an organization's data, usually for the purposes of state or federal legal compliance.
DRPP	Disaster Recovery Plan/Policy; a process providing authority and guidance for contingency operations in the event of a disaster.
EOL	End-of-Life; the date hardware or software is no longer maintained in any way, particularly for any prior-known or later-discovered security issues.
FAQ	Frequently Asked Questions
FOIA	Freedom of Information Act
FSRM	File Server Resource Manager; a suite of tools for Microsoft Server platforms for advanced administrative functionality.
GB	Gigabytes
GIS	Geographic Information Systems
HIPAA	Health Insurance Portability and Accountability Act of 1996
IETF	Internet Engineering Task Force; an international community of network designers, operators, vendors, and researchers concerned with the evolution of the Internet architecture and the smooth operation of the Internet.
ILS	Information Logging Standard; a policy for log collection and retention for operational analysis.
InfoSec	Information Security
IP Address, IPv4	Internet Protocol Address; the identifier assigned to each computer and other device connected to a network or the Internet, in order to provide routing and communication.
ISC	SANS Internet Storm Center; a global cooperative cyber threat and internet security monitor and alert system, which provides analysis of new threats to networks and internet

	security events.
IT	Information Technology
ITSB	Information Technology Steering Board
KB	Knowledge Base
M&O	Maintenance and Operations
MITM	Man-in-the-Middle; a form of attack where the attacker secretly relays and possibly alters the communication between two or more systems.
NCCIC	National Cybersecurity and Communications Integration Center; a division of the Office of Cyber Crime & Communications within the United States Department of Homeland Security's Directorate for National Protection and Programs.
NDI	Network Device Integrity; a methodology for attempting to determine if a network has been compromised, provides methods for detecting unauthorized access, and software and hardware modifications.
NIST	National Institute of Standards and Technology
NOC	Network Operations Center
NRPM	ARIN Number Resource Policy Manual; the formal policies by which ARIN allocates limited Internet number resources under the principles of registration, conservation, routability, and stewardship.
NS	Name Server; a server that translates human-readable domain names to numeric IP addresses for routability.
OS	Operating System; the software that provides a computer's basic functions, such as executing applications, and controlling hardware and peripherals. Examples include Microsoft Windows and Apple macOS.
PCI DSS	Payment Card Industry Data Security Standard; the formal requirements that apply to all entities that store, process or transmit cardholder data. PCI DSS and related security standards are administered by the PCI Security Standards Council, which was founded by American Express, Discover Financial Services, JCB International, MasterCard Worldwide and Visa Inc.
Penetration testing	The practice of testing a computer system, network or Web

	application to find vulnerabilities that an attacker could exploit.
POLP	Principle of Least Privilege; the practice of limiting access to the minimal level that will allow normal function. Applied to employees, the principle of least privilege translates to giving people the lowest level of user rights that they can have and still do their jobs.
PPP	Password Protection Policy; a set of requirements for password creation, storage, use, and distribution.
Primal Scream	The unanimous demand by department heads for faster and more responsive IT services at the director-level meeting in February 2016.
RAM	Random Access Memory; a form of volatile computer storage for improving the performance of a computer.
Ransomware	A form of malware that installs covertly on a victim's device and encrypts user and network data and holds the victim's data hostage until a ransom is paid.
RWhois	Reverse Whois; a distributed system for the discovery, retrieval, and maintenance of IP directory information.
Phishing	The practice of sending emails purporting to be from a reputable source in order to induce individuals to reveal sensitive personal or business information, such as passwords or credit card details.
RMM	Remote Monitoring and Management; a platform to identify, track, manage and diagnose devices across a distributed network.
RSS	Rich Site Summary; a syndication format for news and content distribution.
SAN	Storage Area Network; a network which provides access to consolidated, block level data storage.
SB272	§6270.5 of the California Public Records Act; requires state and local agencies to create and maintain a catalog of enterprise systems and make the catalog publicly available.
Scope creep	A project that has seen its original goals expand while in progress. As the term suggests, scope creep is a subtle process that starts with small adjustments and ends up resulting in projects that take far longer to complete or even fail before they are finished. Even if the project is completed, scope creep

	can result in final deliverables that look nothing like what was originally envisioned at much higher final costs.
SDD	Secure Data Destruction; the process of ensuring that digital data is permanently and irrecoverably destroyed.
SEO	Search Engine Optimization; the process of maximizing the number of visitors to a particular website by ensuring that the site appears high on the list of results returned by the search engine.
SIEM	Security Information and Event Management; a product or service that combines security information management and security event management to provide real-time analysis of security alerts generated by network hardware and applications.
SMTP	Simple Mail Transfer Protocol; a standard first adopted in 1982, is the protocol designed to relay all email from one device to another before reaching the recipient's mailbox.
Spear phishing	A form of social engineering that uses inside information, such as contact names and email addresses, to encourage the targeted user to interact with the tactic.
SPF	Sender Policy Framework; a standard first introduced in 2003 and finalized in 2006 as RFC 4408, addresses the email forgery weakness within SMTP.

Background

The Information Technology (IT) Department has not been included in Grand Jury investigations for 14 years. The IT Department was last investigated by the 2002-2003 Grand Jury, although subsequent reports have mentioned the department and the IT needs of the county. Findings related in prior reports referenced the Storage Area Network (SAN) upgrade, and software installation and configuration for departments.

The Tuolumne County IT Department staff, according to their website,

...partner with agencies and departments in utilizing information technology to enhance the services to the citizens of our County. The County's Information Technology infrastructure and personnel support a huge array of services, including networks, phone systems, all County information systems, hardware and software, and the County website.

The IT Department currently supports 743 users, approximately 750

computers and smartphones, as many as 200 servers, over 100 switches, over 50 wireless access points, and 40+ firewalls and routers.

Methodology

Approximately 20 interviews of involved parties took place between November 2016 and March 2017. IT Department members as well as members of the CAO, Human Resources and Board of Supervisors (BOS) were interviewed.

Interviews focused on how the department operates, how the county prioritizes projects, IT support, maintenance and operations, how users are provided with support, and the types and maintenance of equipment managed and supported. In addition to interviews, IT policies, county policies, Information Technology Steering Board (ITSB) documents, and county websites were reviewed. IT facilities and server locations were toured. Information in this report is sourced from interviewees, county documents, sources listed above, and from sources listed in the bibliography.

Two jurors were recused from the IT investigation due to possible conflicts of interest. These jurors were excluded from all parts of the investigation, including interviews, deliberations, writing and approval of this report.

Discussion

IT Department Personnel and Training

The IT Department had 32 staff members in 2008. Budgetary problems, due to the economic downturn, required the county to downsize all departments. IT was required to lay off over half of their employees, including the IT Director, reducing their number to 14 employees. Over the past few years they have slowly been able to add staff, and today they have 17 employees. The department did not have a dedicated manager with an IT background for seven years, until one was appointed in 2016. With the layoffs the IT manager now reports to a Deputy CAO who handles the duties of a department director among other responsibilities.

At the director-level meeting in February 2016, there was a consensus among department heads demanding more responsive IT services (later called the “Primal Scream”). The department heads reported that they were not receiving sufficient IT support to perform the work they needed and projects were not being completed.

After hearing the “Primal Scream” the CAO determined that the IT Department needed to be reorganized to better serve the county. The prior organization had two individuals supervising the staff and reporting to the CAO.

Communication issues between members and groups in the department contributed to slow responses. The new organization has an IT manager (not director) reporting to the CAO with three IT supervisors reporting to the IT manager. This move gives more structure to the department, but also increases the manager/supervisor count by two, while the IT Department received approval for only one new hire. The new “groups” within the department are “Analysts”, “Technicians”, and “Network Analysts.” There is no security analyst/specialist in the IT Department. The role of IT security falls under Risk Management, which is the responsibility of the Human Resources manager, rather than IT staff. Human Resources staff have no experience in IT security matters.

Prior to the cutbacks in 2008, the IT help desk had two dedicated staff to answer incoming support calls. The department now has one staff member assigned to field support calls, and that staff member is often unavailable because of the need to “put out fires” from the calls received.

While interviewees stated that there is an adequate pool of local candidates, hiring and promotion are prioritized from within and from other county departments. Internal transfers lack formal IT training in the most current technological trends.

The IT Department in Tuolumne County is not staying up to date on industry trends and issues. The technology field is extremely fast-paced, and new technology, standards, hardware, and software are released on an almost daily basis. Continuing education in technology, line of business software, and techniques to better perform job functions is something most employees in the technology field receive to perform at optimum level. Some continuing education is the result of self-motivation -- following public forums, mailing lists, reading articles from reputable sources, etc. The IT Department staff are not following public forums, mailing lists, or reading articles covering current technology trends and issues.

Formal training is not prioritized within the IT Department. During formal training sessions it is common for members of the department receiving training to be called away to help on issues that have been reported by users, resulting in incomplete training. Staff also reports they receive little to no security training.

Policy and Legal Requirements

While the IT Department does have several written policies available and published on the Tuolumne County website, there are no current policies or procedures in place for much of the day-to-day operations, legal, and emergency response preparation. When no formal written policy or procedure exists for a situation, the situation is inconsistently addressed, if dealt with at all. How it is

addressed is then up to the skill level or experience of the staff member assigned, who may have significantly less training or experience with the topic or the requirements of the task at hand than his or her predecessor.

Furthermore, the Tuolumne County IT policies that do exist are not regularly updated. The primary end-user policy was created in 2001 and has not been updated since. There have been other addendums, and attempts to update the primary policy, but nothing has been completed or published, leading to an outdated set of policies governing county technology usage. For example:

- There is no formal Password Protection Policy (PPP). Within most systems no complexity requirements or password expirations are imposed. No requirements or limitations exist for password reuse, sharing, distribution, storage, or breach reporting.
- There is no formal Disaster Recovery Plan/Policy (DRPP).
- There is no formal backup retention/Data Retention (DR) policy. This conflicts with data retention and transparency requirements under the California Public Records Act and California Government Code §26202, which requires digital records to be kept at least two years except in certain cases, such as video security monitoring which must be kept a minimum one year, and telephone and radio recordings which must be kept a minimum of 100 days.
- There is no current formal email retention policy. This may conflict with data retention and transparency requirements under the California Public Records Act and California Government Code §26202, which requires certain records to be kept at least two years.
- There is no formal training policy.
- There is no formal policy for Secure Data Destruction (SDD) and/or drive wipe before decommissioning old hardware. This has resulted in the public release of a county department computer containing unencrypted sensitive information.
- There is no formal Information Logging Standard (ILS) policy, or Security Information and Event Management (SIEM) policy or procedure for log, software, or reporting audits.
- There is no formal policy for ongoing SB272 (§6270.5 - California Public Records Act) compliance.
- There are no formal policies or procedures in place for maintaining IT equipment in Tuolumne County, leading to out of date networking equipment, security equipment, and other systems being years behind in required maintenance. This puts the county at risk of attackers gaining access to county infrastructure and data.
- There is no formal policy for documentation of processes, procedures or work performed.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires regular software and Operating System (OS) maintenance, as well as regular review and auditing to remain in compliance. Grand Jury interviews reveal

that this is not being performed.

The Payment Card Industry Data Security Standard (PCI DSS) requires any organization collecting payments via credit card to perform regular security maintenance, complete application maintenance, restrict physical access to devices that can access cardholder data, regularly test device and network security, create and maintain an Information Security (InfoSec) policy, store logs for a minimum of one year, and perform log audits. Grand Jury interviews reveal that this is not being performed.

Occasionally contractors have been hired. There is no IT policy on what level of access they are to be granted. The lack of a formal policy or procedure for third party access rights creates discord and weakened security in order to accommodate the contractor.

The Internet, as it exists today, has a pool of Internet Protocol addresses (IP addresses, IPv4) numbering only four billion to serve the needs of over seven billion people, where many people have more than one device that might be assigned an IP address (phone, computer, tablet, security system, irrigation systems - even light bulbs). In 2011 the Internet Assigned Numbers Authority (IANA), the organization responsible for IP address allocation, allocated the remaining Classless Inter-Domain Routing (CIDR) “/8” netblocks. With this action the free pool of IPv4 addresses became fully depleted. Under this IPv4 exhaustion Internet Service Providers (ISPs) must now justify their IPv4 usage through more stringent controls and requirements, including a minimum 50% utilization of allocated IPv4 resources.

Tuolumne County has an entire Class C network (CIDR/24) assigned to it. While the county does not have a Reverse Whois (RWhois) record, which provides third parties direct contact information for issues relating to any network issues discovered (such as botnet, malware, or spam originating from their network), they do have hundreds of IP addresses assigned to them. Comcast, the ISP for most of Tuolumne County, charges \$19.95 per month for each dedicated IP address in use, with negotiated discounts for CIDR netblocks. There are only 21 named devices that currently use external IP addresses, and most of those do not require a dedicated IP address.

The use of older operating systems makes Server Name Indication (SNI) impossible, which imposes a technical requirement for dedicated IP addresses for several sites and services.

As an example, Microsoft Exchange, the mail and collaboration suite in use by Tuolumne County, has three dedicated IP addresses assigned to it, but only requires one. Internally, the ports for the other services can be mapped to any device by their firewall or router even if it uses the same external device name. The county uses two Name Servers (NS) with dedicated IP addresses, but seeing as they serve at most two dozen domains, they do not require dedicated IP addresses either. As many as eight of the websites hosted by county resources are inaccessible

or broken, which suggests they may no longer be in active use, and serve only as security risks.

IT Facilities

The Grand Jury toured several IT facilities. The IT Department has working offices, as well as server rooms and server racks in place throughout almost every county building. The primary IT Department offices are on Morning Star Drive.

There are no security cameras on the Morning Star building. Computers and other equipment are not secured inside the facility. The server room at that location is behind a thin door with a simple door lock to protect it. There is an active sprinkler overhead in that room that has not been deactivated. Tape backups are stored on open shelving in this room.



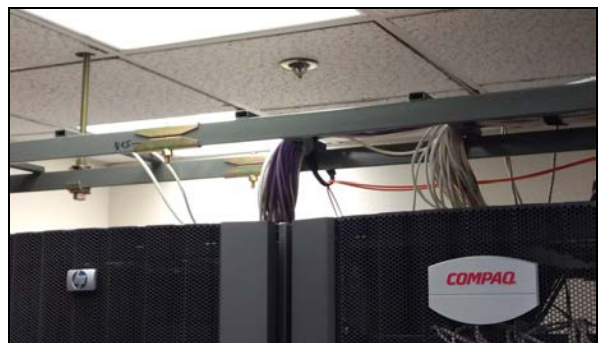
Morning Star server room #1

photo by Shawn K. Hall



Morning Star server room #2

photo by Shawn K. Hall



NOC sprinklers

photo by Shawn K. Hall



Library servers photo by Zachary Levey

The IT Department Network Operations Center (NOC) is located on South Green Street. The NOC contains the majority of the servers that run the county's infrastructure for business services and contains most of the tape backups. While this building is open to the public during the day, the IT server room is behind a secure door with keypad, and key access is required. Upon entering the IT server room, one of the first things one sees is sprinklers over the server racks. Those sprinklers are active, and there is no other automatic fire suppression system for putting out fires in the server room, only a small fire extinguisher on the wall.



NOC exit button & emergency power cutoff button

photo by Shawn K. Hall

During interviews the Grand Jury discovered how long it took for some work orders to be processed. A safety cover for the power cutoff switch in the server room was not installed for years after initially requested. It took an accidental use of the emergency cutoff switch before a safety cover was installed.

Additionally, interviewees report that unaudited access to the NOC is available to AT&T employees. They are given access to perform work in the NOC but are not supervised during that work.

Other facilities inspected by the Grand Jury reveal similar results. IT server

racks were routinely placed in areas or rooms with active sprinkler systems for fire suppression. Although water is used to put out most fires, when the risk of water damage is comparable to the risk of fire, alternatives, such as an HFC-227ea (heptafluoropropane) suppression system, must be employed. IT equipment - servers, networking equipment, tape backups and other media - cannot safely be exposed to water from sprinkler systems without causing irreparable harm.

In interviews with county employees, it was determined that IT was consistently consulted for requirements for server placement and power needs, but was not on the list of groups to approve plans once completed. For example, the newly-constructed juvenile facility received IT input, but IT was unaware of sprinkler locations directly above server racks until after the facility was built.

Process

In Tuolumne County, an IT Project is any body of work that meets one of two criteria: It will cost more than \$10,000, or it will take more than 50 hours of labor. Projects go through three stages where the IT Department is involved.

1. Estimation
2. Prioritization
3. Implementation

Process: Estimation

Departments in need of IT services start off by defining their needs. Once they define those needs, they contact the IT Department for estimates on cost and effort required to complete that project. The estimate needs to be factored into the requesting department's budget, which will also include hardware and software upgrades. The IT managers are consulted on estimation of projects, but as the Grand Jury heard from numerous sources, the projects are consistently underestimated by design. Those underestimations impact budgeting, project completion timelines, customer expectations, and the people performing the work. Numerous sources also say project labor estimates are intentionally low-balled in order to get as many projects approved as possible, which creates an unreasonable fulfillment expectation and requires either overtime or hiring external consultants at increased costs.

Once the project has been defined (or scoped) and estimated, the initiating department then moves it to the next step: Prioritization of that project against all other projects in Tuolumne County.

Process: Prioritization

Tuolumne County has developed the Information Technology Steering Board (ITSB) to handle prioritizing IT projects for the county. The ITSB is made up of representatives from Communities of Interest (COI), a member of the IT Department, and a member of the Tuolumne County Board of Supervisors. COIs are formed where similar county departments share an interest. The breakdown of COIs is as follows:

- Law & Justice: Sheriff, District Attorney, Public Defender, Probation, and County Counsel
- Public Safety: Sheriff, Fire, Office of Emergency Services, Animal Control, and Ambulance
- Development/Regulatory: Community Resources Agency (Building, Planning, Public Works, Engineering/Development, Survey, Environmental Health, Fire Prevention), Agricultural Commissioner/Weights & Measures/Air Pollution Control
- Human Services: Veterans, Social Services, Child Support Services, Public Health, and Behavioral Health
- Facility Development & Administration: Engineering-Projects, Roads, Recreation, Airports, Facilities Management, and Tuolumne Public Power Agency
- Administration & Finance: Board of Supervisors, Auditor/Controller/Clerk, Elections, Treasurer/Tax Collector, Assessor/Recorder, and County Administrator's Office (Budget/Purchasing/Human Resources/Risk Management)
- Enterprise Information Management: Library, Farm Advisor and other departments as needed to address enterprise-wide systems such as Internet, e-mail, voicemail, telecommunications, Geographic Information Systems (GIS), document management, and core infrastructure

Each COI meets to choose a representative and generate a list of projects for prioritization by the ITSB. These lists are comprised of both ongoing projects that were previously approved and new projects that are being requested. The ITSB then meets to prioritize all projects (COI projects, IT county-wide projects, and IT maintenance projects) for the next year. For IT-requested projects, project prioritization is first, IT projects to support ITSB requests, then Maintenance and Organization (M&O) activities. After that prioritized list is created, the ITSB presents the list to the Tuolumne County Board of Supervisors (BOS) for approval.

Once the IT Department has received the ITSB list of approved projects, the IT Department performs their own prioritization. That prioritization is based on staff availability, the need to purchase equipment, the status of the facility it is intended for, and if there are any other prerequisites to working on the project. In some cases much groundwork is needed before starting the installation and configuration of a system. In addition, the IT Department must also take into

account the need to perform M&O activities to keep the current suite of applications running throughout the county.

Interviewees report that, each year, departments within the county that have more political pull are able to bump the line and get their project worked on despite not having ITSB approval. Also at times, the IT Department must prioritize an M&O project higher than what ITSB is willing to prioritize it to support the entire county and maintain the level of service availability required. These projects are not always given priority during the ITSB prioritization exercise, as the IT Department does not have a Director, and, therefore, does not have the same say in the ITSB discussions.

Also impacting the ability to get M&O done is the deprioritization of previously approved ITSB projects. The Storage Area Network (SAN) upgrade, for example, identified as a critical project for ongoing county operations by most interviewees, has had its priority changed several times since it was initially approved over ten years ago.

Process: Implementation

At this point in the process projects have been estimated and prioritized. The next step is to start work on them. Most technology organizations have a combination of tracking systems for user help tickets and project tracking. The IT Department in Tuolumne County has no formal project tracking system for tracking projects or project milestones. Tracking of projects and milestones is left to the individual analyst working on a project, and may be done in Microsoft Word, Excel, or even tracked within simple text files with no formatting. Average Tuolumne County project status reporting can take as much as a full day to be checked and relayed to interested parties.

The Grand Jury was informed several times that almost every project experienced severe “scope creep.” Scope creep refers to a project that has seen its original goals expand while work is in progress. As the term suggests, scope creep is a subtle process that starts with small adjustments and ends up resulting in projects that take far longer to complete or even fail before they are finished. Even if the project is completed, scope creep can result in final deliverables that look nothing like what was originally envisioned, at much higher final costs. Scope creep can have major ramifications on a project timeline and budget. Without scope creep being tracked in a place where it is easily visible, it becomes difficult to associate it with the true impact to project completion.

At this time there is no formal policy on generating documentation on work performed. The IT Department has not prioritized documentation due to the amount of projects they are committed to. Without documentation to replicate a

previous process, the process must be recreated in its entirety, at the cost of additional time and resources.

Maintenance and operations (M&O) is the other large part of the body of work the IT Department performs. This work is what keeps existing applications running, and includes installations, upgrades, patches, and maintaining the infrastructure of the county's IT network. This work is typically prioritized lower by the ITSB but must still be done. Right now, staff reports that approximately 35-40% of an employee's time is spent on M&O.

In addition to working on projects and M&O work, members of the IT Department also troubleshoot issues or tickets for county employees. In any large organization with an IT Department, it's necessary for the IT Department to track specific issues, also known as tickets. A dedicated system, either a ticket management platform or user support software, is usually employed for this purpose. A ticket management platform can track a ticket from discovery to completion and record sufficient information at each step of the process to ensure that any issue can be adequately addressed. It can also aid in the prevention of similar events in the future. Tickets range from "I'm having problems logging in," to software installation requests, to "I have a virus!" On average, the Tuolumne County IT Department receives 50 tickets per week, including help desk requests and other maintenance-related tracking. Not all departments use the current ticketing platform to ask for help, and IT Department staff do not consistently document tickets.

The currently employed ticketing platform is outdated and no longer supported. This outdated platform encourages inconsistent or even non-entry of relevant event details, which results in much of the work remaining undocumented. Lack of consistent records on devices and users prevents preemptive action to address hardware, software, and end user issues.

Security and Maintenance

Part of M&O is upgrading and patching software across the county's fleet of devices. This includes desktops, laptops, servers, peripherals, routers, switches, wireless access points, firewalls and more.

Data backups are kept at most for five months and for as little as two weeks. This may violate the California Public Records Act and California Government Code §26202 which requires certain records to be kept at least two years except in certain cases, such as video security monitoring which must be kept a minimum one year, and telephone and radio recordings which must be kept a minimum of 100 days. Furthermore, there are no email archives, making accidental deletion catastrophic.

The existing Storage Area Network (SAN) is full. The SAN has been full since the last review of the IT Department 14 years ago, creating a situation in which increasingly more data must be eliminated in order to perform daily operations. A new SAN is currently being implemented, which will provide for version control of data (so reverting to an older copy is possible), improved performance, mirroring and branched backups. Server backups currently use tape and are stored only within county facilities, the same facilities where the original data is kept - and under the same sprinklers.

The installation of firmware updates is considered unnecessary by the Tuolumne County IT Department. The current process is to install firmware updates upon initial release of the hardware but not to install firmware updates thereafter. The Grand Jury received conflicting justification for this behavior: some staff thought it was unnecessary since firmware “isn’t software;” others believed the devices “did it themselves;” and others didn’t know it was necessary. This leaves every single router, switch, wireless access point, firewall and enterprise appliance in the fleet unsecured. These types of devices must receive regular firmware updates to address security vulnerabilities or they risk compromising the entire network infrastructure. The typical vendor releases firmware updates for their supported product lines on a monthly cycle. Most vendors will publish security-related firmware updates for each supported network access device at least three times each year.

Cisco, the vendor used for the majority of the switches and routers in use, releases security updates on a weekly basis and publishes the information by email, Rich Site Summary (RSS) feeds, and through their Technical Assistance Center. Almost every vendor provides similar informational update services for IT staff to monitor, so they can adequately plan for and implement new releases in a timely fashion. However, none of the interviewees followed any vendor update lists, newsgroups, guides, forums or other patch management systems. Staff informed the Grand Jury that they rely exclusively on internal resources for the bulk of their work. The sole external resource Tuolumne County IT utilizes is the California County Information Services Directors Association (CCISDA), a few times per year.

The county runs approximately 200 servers providing varied functionality to different departments. Many servers throughout the county are out of date and some critical services run on software that is eight years beyond End-Of-Life (EOL). Security patches will never again be released for these systems, leaving security issues vulnerable to exploitation. The vendor has chosen to discontinue all support, actively ignoring the EOL systems. EOL means it should be treated as dead. Continuing to use any EOL system is a major risk and violates several of the core principles of security.

Having suffered from defective patches in the past, IT does not patch servers with the majority of applicable updates, prioritizing short-term service availability

over long-term security and reliability. Nearly all of the updates that are installed are delayed at least a month, then installed on all affected devices simultaneously during normal business hours. Individual departments do have input on which business hours will be assigned to updates and maintenance, but there is no way to avoid service interruptions during these maintenance windows.

The county runs approximately 750 desktop and laptop computers for county workers. Software updates on these devices are limited to the operating system and several popular/common applications (such as Microsoft Office and Adobe Flash). Line of business applications (as many as 300 separate applications) are not consistently maintained for compatibility, stability or security until the end-user observes, identifies and reports a problem. Post-update device restarts are not being forced, allowing devices to remain insecure until the user restarts their device manually.

All end user devices are still running 32-bit Operating Systems (OS) on all their 64-bit-capable hardware because a 64-bit OS image has not yet been created by the Tuolumne County IT Department and approved for production and installation across the network. Workstations in the private sector and for home use have been predominantly 64-bit for over a decade, but Tuolumne County is still running 32-bit OS, which means that Random Access Memory (RAM) in excess of ~3.2 gigabytes (GB) and half the Central Processing Unit (CPU) is inaccessible on every machine, acting as an artificial RAM and performance cap. Machines are purchased with much more RAM, and replaced every five years, but the vast majority of resources for each machine simply cannot be used due to 32-bit limitations. For example, a standard low-end five-year old Dell workstation is the Dell Precision T1650 Xeon E3, which is built with a base 12GB RAM and 64-bit quad-core CPU. This machine, operating under a 32-bit OS, would lose access to >70% of its RAM and 50% of its CPU because a 32-bit OS can not mathematically map resources that exceed that range. Also due to the lack of an approved 64-bit OS image, some critical line of business applications can no longer be used or upgraded leaving an entire department unable to run line of business software required to perform their duties for months at a time. Further, the lack of a 64-bit OS significantly reduces the effort for an attacker to leverage various software vulnerabilities.

Interviewees report that the current Tuolumne County update process does not include Canary Testing deployments. Canary Testing is the process of initially releasing updates or changes to a small group of users to identify problems before releasing the changes to all users. This process minimizes the risk of a complete outage or catastrophic problems by allowing the Canary group to identify and resolve problems first. An upgrade or patch can often be completed without problems. Unfortunately, there have been times when updates have taken actively used Tuolumne County systems down for hours or days while problems were

resolved, greatly impacting county employees ability to work and service availability.

Not all IT staff are completely trained in their Remote Monitoring & Management (RMM) solutions. RMM is perhaps the single-most effective tool in the network administrator's arsenal. Seven staff have received partial training in the county's RMM, but some were pulled away from training for other duties. Without a properly configured and maintained RMM solution, devices will be inconsistent and at significantly greater risk of compromise or failure. Asset Management and Tracking (AMT) is directly tied with the RMM. When failure, compromise or other issues do occur, it is currently up to the end user to report the problem to IT, creating a manual effort to investigate and address whatever is discovered.

Malware infections are a daily occurrence. Only those reported to IT are discovered and addressed. The resolution for most infections is to reimage the device (or devices), which causes loss of user and business data and prevents data collection to obtain source information for infections to determine intent (such as spear phishing, ransom, botnet, or general infection). This prevents adequate response to targeted attacks. At an infection rate of roughly half the IT-managed devices each year, this is double the rate of infections in the US private sector (26.4%), according to Kaspersky Lab (Cybersecurity Company).

Ransomware, a form of malware that encrypts user and network data and holds the victim's data hostage until a ransom is paid, has taken down parts of the Tuolumne County network and compromised server data on multiple occasions. Servers have no defenses enabled against network-aware malware or user negligence. If a user has write-access to a drive, the user can do anything with it, especially if they become infected with ransomware.

The false assumption that attacks will be from the outside of the network via the Internet has left the internal network security nonexistent. The IT Department has operated under the premise that their edge defenses - firewalls, switches, and routers - and anti-virus solutions would prevent most malware, but in the best of circumstances firewalls and anti-virus are not foolproof. Tuolumne County is still using software firewalls that have been EOL for two years. Their hardware firewalls have been EOL even longer. Since they rely upon the hardware to maintain itself, the firewalls are each insecure due to lack of firmware updates.

Physical access to devices is possible in every department the Grand Jury visited. In some cases there were devices with the back of the computer tower physically accessible to anyone that walked into the office. Even in the case of a fully locked-down device, where user access is limited to only the applications and resources they require to perform their duties, the ability for a knowledgeable third party to exploit either hardware or application vulnerabilities requires that physical access to devices be prohibited from untrusted individuals. When USB

and network ports are exposed, even without being able to login to a device or reach the keyboard or mouse, an attacker could walk into the room and connect a toolkit to gain immediate control over these computers, and pivot to use that access to gain control of anything that any user on that device had access to, in addition to any network access devices (routers, switches and firewalls) within the network that the device is in. These toolkits are available online for under \$50, and appear to be common network hardware, so they are often overlooked by end users and during on-site audits by less technical staff.

Physical access to network ports is possible in almost every department the Grand Jury visited. In some cases there were ethernet ports in public restrooms, prisoner visiting rooms, and other locations where network access should not be exposed.

There is no Network Device Integrity (NDI) Methodology in place. An NDI ensures that sufficient logs are collected, untampered with, reviewed and preserved to ensure that no surprises (such as hijack toolkits, or unauthorized user devices) appear on a network. Regular log review is the most basic component of any security process but is simply not being done. Staff has requested the implementation of a Security Information and Event Management (SIEM) platform, a type of advanced log-analyzing software, in order to facilitate this process, but has been denied.

Enterprise appliances are used to reduce incoming spam and malware, but care has not been taken to ensure that county email services use best practices for their own outgoing mail, including Sender Policy Framework (SPF), DomainKeys Identified Mail (DKIM) and Reverse Whois (RWhois) assignment for their allocated ASN. The use of SPF has been a recommendation for email services for well over a decade. It takes less than a minute to setup and minimizes the risk of others forging messages to appear as though they're coming from user's domains. DKIM is a newer standard that signs mail at each hop along the mail relay to provide validation that messages originated, transferred, and are received correctly. ASN is the standard for allocation of IP resources to allow third-parties to validate their contact to and from one's organization as accurate. RWhois provides IP-level contact information for reporting incidents.

For some applications, outside contractors have persistent access to the application/device within Tuolumne County. While some efforts are being made to minimize the scope of access allowed, without a security policy in place that observes the Principle of Least Privilege (POLP) requirements for all users, internal and external, staff rotation or changes could leave default access rights in place and expose Tuolumne County via any weaknesses in the contractor's hardware, software, or service.

Some of the services that are exposed to the Internet have known security

vulnerabilities that remain unpatched or Secure Socket Layer (SSL) Certificate problems. One web application in use suffers from a known security vulnerability for which a patch was released in December 2016. This vulnerability could enable an attacker to compromise the server. Another site provides a login interface but suffers from various SSL vulnerabilities that would allow a Man-in-the-Middle (MITM) attack to harvest user information or another attack to crack the SSL certificate, rendering the SSL useless.

The iRIMS service, which law enforcement uses for background checks, vehicle checks, and incident tracking, uses an expired SSL Certificate. Expired SSL certificates do have value in protecting resources, as long as the certificates are actively validated by the end users. While this doesn't necessarily mean the website is insecure, using an expired certificate encourages users to be lax about security. If users are used to bypassing SSL Certificate warnings, they won't treat actual phishing attempts any differently. When someone compromises the server or Domain Name Service (DNS) and points the iRIMS domain to an evil third party, the attacker will be able to harvest login information from county law enforcement. This is something that can be resolved for \$35.

The Bring-Your-Own-Device (BYOD) management platform is externally visible, as well, which means that any vulnerabilities within that platform could potentially grant full network-level access to an attacker. Since the login interface is exposed to the web, it is also susceptible to brute-force attacks (the use of a dictionary-style series of passwords to discover login information) and MITM hijacks.

The county website does not support SSL. Websites that do not have SSL enabled are now being prominently labeled as "not secure" in most web browsers.

The county website responds to three separate domains. One variation is ".gov," one is ".us," and one is a variation offered by the vendor that hosts the site. This dilutes the online visibility of Tuolumne County web content by dispersing traffic between three different active domain names. Consolidation to a single, preferred canonical domain name would improve Search Engine Optimization (SEO).

The county website provides an XML sitemap reference within the robots.txt file using an invalid format. The Sitemaps specification requires a complete URL to the sitemap file, including protocol and domain, but the robots.txt reference includes only the local path.

Findings

- F1. IT staffing was significantly reduced starting in 2008, but expectations have grown, leading to the inability of the IT Department to deliver what county departments are asking for in a timely manner.
- F2. There is no IT director. The IT manager reports to a deputy CAO causing a possible conflict of interest. The CAO is responsible for budgeting, and this can conflict with the interests of the IT Department leaving no one at the Director level to advocate on behalf of the IT Department.
- F3. The IT Project demands from multiple departments throughout the county creates delays in many projects and conflicts between departments.
- F4. Security falls under Risk Management, which is the responsibility of Human Resources. The IT Department operates in a manner where security is not its responsibility, creating serious security and reliability issues throughout the county.
- F5. IT Department staff are constantly “putting out fires” and do not have a lot of time to train. Training is often interrupted in order to work on issues.
- F6. County facilities do not take into account the needs of IT equipment, leading to critical county infrastructure being in danger of destruction if fire suppression equipment were activated.
- F7. Labor and cost estimates for projects have consistently been underestimated and have suffered from scope creep contributing to delays in project delivery.
- F8. The projects of highly “visible” departments are prioritized while other work is deprioritized, impacting long-term projects and Maintenance and Operations.
- F9. The Tuolumne County IT Department has no consistent project tracking system, does not break work into milestones, and can not provide immediate project status reports.
- F10. There is no formal policy for documentation of processes, procedures, or work performed. Documentation is not mandated, nor is it consistent. Documentation should be written to both account for how software or equipment is installed or maintained, and also to permit others to learn how the work was done. Accurate and complete documentation eases the burden for future maintenance, and allows the work to be reproduced if additional equipment or software must be configured in the same way.
- F11. Staff are not given sufficient time to perform infrastructure maintenance.
- F12. There is no security analyst or specialist in the IT Department. Lack of sufficient time for existing staff to address security issues proactively, and no

dedicated security staff, leaves the county at increasing and unnecessary security risk.

- F13. There is no formal Password Protection Policy (PPP). No complexity requirements are required for some systems and no password expirations are imposed. No requirements or limitations exist for password reuse, sharing, distribution, storage, or breach reporting. Lack of clear password rules reduces overall security, allowing for common and reused passwords to ease the effort involved in hacking any account from years or months to as little as seconds.
- F14. There is no current formal Disaster Recovery Plan/Policy (DRPP). Without a formal plan to address disaster response, any reaction will have to be created under duress, without the time or forethought that proper planning provides.
- F15. There is no current formal backup retention/Data Retention (DR) policy. Data backups are kept at most for one year and for as little as two weeks. This may conflict with transparency and data retention requirements under the California Public Records Act and California Government Code §26202.
- F16. There are no persistent email archives. While some emails will not be required to be kept, some email messages are parts of the decision-making process, and records may be required. This may conflict with transparency and data retention requirements under the California Public Records Act and California Government Code §26202.
- F17. There is no formal training policy. Continuing education is critical for any organization, but particularly one where a failure to address issues in a timely fashion will incur costs that must be shouldered by county taxpayers.
- F18. There is no formal policy for Secure Data Destruction (SDD) and/or drive wipe before decommissioning old hardware. Failure to consistently destroy sensitive information leads to significant security and privacy risks.
- F19. There is no formal Information Logging Standard (ILS) policy, or Security Information and Event Management (SIEM) policy or procedure for log, hardware, software, or reporting audits which prevents compliance with HIPAA and PCI DSS, prevents accurate source-tracking for infections, and places the weight of IT on emergency response instead of planned and coordinated activities.
- F20. There is no formal policy for ongoing SB272 (§6270.5 of the California Public Records Act) compliance, which may violate SB272.
- F21. There are no formal policies or procedures in place for maintaining IT equipment in Tuolumne County leading to grossly out of date networking equipment, security equipment, and other systems being years behind in required maintenance.

- F22. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires regular software and Operating System (OS) maintenance, as well as regular review and auditing to remain in compliance with steep penalties for failure.
- F23. The Payment Card Industry Data Security Standard (PCI DSS) requires any organization collecting payments via credit card to perform regular security maintenance, complete application maintenance, restrict physical access to devices that can access cardholder data, regularly test device and network security, create and maintain an Information Security (InfoSec) policy, store logs for a minimum of one year, and perform log audits.
- F24. The county does not have a Reverse Whois (RWhois) record, which provides third parties a direct contact for issues relating to any network issues discovered such as botnet, malware, or spam originating from their network.
- F25. The county has hundreds of IP addresses assigned, though only 21 named devices, many of which do not require a dedicated IP address. The allocation of this many IP addresses to an organization that is not using them efficiently violates the Number Resource Policy Manual (NRPM), which requires a minimum 50% utilization of allocated IPv4 resources. IPv4 exhaustion is here and more than 200 IP addresses are being wasted by Tuolumne County.
- F26. The Morning Star facility lacks security cameras.
- F27. The Morning Star facility lacks physical security for the server room.
- F28. The Morning Star facility server rooms use sprinklers for fire suppression.
- F29. The Morning Star facility server room leaves tape backups exposed.
- F30. The NOC leaves tape backups exposed.
- F31. The NOC uses sprinklers for fire suppression.
- F32. There is no formal policy for supervised third-party NOC access, which violates HIPAA, PCI DSS, and creates other potential security issues.
- F33. The current ticketing platform is outdated and unsupported. It does not enforce tracking of important data, creating inconsistent records. This prevents preemptive action to address hardware, software, and end-user issues.
- F34. The existing SAN is full, making long-term backups and recovery impossible, and creating a situation where staff need to prioritize what electronic records departments can retain. Certain records must be kept for two years under California Government Code §26202, and it appears that this is not being done.

- F35. Firmware updates that address security vulnerabilities are being neglected for every single network access device - router, switch, wireless access point, firewall, and enterprise appliance - in the fleet.
- F36. IT Department staff are not monitoring vendor websites for patch information, allowing hardware and software to remain insecure and years out of date, making county devices easy targets for attackers.
- F37. IT Department staff are not consistently participating in mailing lists, newsgroups, guides, forums and other patch management systems, limiting their exposure to information about updates, processes, and issues to address known problems.
- F38. Servers throughout the county are out of date and some critical services run on software that is eight years beyond EOL, placing them at severe security risk and increased risk of instability.
- F39. IT does not patch servers with the majority of applicable updates, leaving them insecure.
- F40. The current update process does not consistently include Canary Testing, placing all devices at increased risk of collateral failure.
- F41. Nearly all of the updates that are installed are delayed a month, then installed on all affected devices simultaneously during normal business hours. This interrupts normal business processes and increases the risk associated with these devices until they are patched.
- F42. Line of business applications (as many as 300 separate applications) are not consistently maintained, leaving critical applications potentially unstable and insecure.
- F43. Post-update device restarts are not being forced, allowing devices to remain insecure until the user chooses to restart manually.
- F44. Most user devices are still running 32-bit Operating Systems (OS) because a 64-bit OS image has not yet been approved for county-wide use, wasting resources within each device and slowing device performance, impacting Tuolumne County staff time.
- F45. Some critical line of business applications can no longer be used or upgraded because they require 64-bit Operating Systems (OS), leaving departments unable to function.
- F46. Not all staff are fully trained in their Remote Monitoring & Management (RMM) solutions, requiring manual intervention for diagnostics and reporting, wasting time and resources.
- F47. Malware infections are a *daily* occurrence and only those reported to IT are discovered and addressed. The resolution for most infections on Tuolumne

County hardware is to reimage the device (or devices), which causes loss of user data and prevents data collection for sourcing infections to determine intent (such as spear phishing, ransom, botnet, or general infection), which prevents adequate response to targeted attacks.

- F48. Ransomware has taken down parts of the network on multiple occasions, also causing server data breaches. Servers have no defense enabled against network-aware malware or user negligence.
- F49. Tuolumne County is using software firewalls that are EOL, putting the entire county infrastructure at risk.
- F50. Tuolumne County is using hardware firewalls that are EOL, putting the entire county infrastructure at risk.
- F51. Physical access to devices is possible in every department the Grand Jury visited. Toolkits that allow network-level hijacks are available online for under \$50, so one doesn't need to be a "highly-financed state-sponsored actor" to be able to hijack Tuolumne County networks.
- F52. Physical access to network ports is possible in almost every department the Grand Jury visited, exposing the network to security risks.
- F53. There is no Network Device Integrity (NDI) Methodology in place which creates inconsistency in security response to network issues.
- F54. Sender Policy Framework (SPF) is not in use, exposing Tuolumne County to potential abuse from spam messages and phishing messages with forged address from Tuolumne County addresses.
- F55. DomainKeys Identified Mail (DKIM) is not in use, exposing Tuolumne County to potential abuse from spam messages and phishing messages with forged address from Tuolumne County addresses.
- F56. No formal policy or process is in place for external vendor access, creating inconsistency and potential security issues.
- F57. Several website security issues exist.
- F58. Websites use expired or no SSL certificates, increasing the risk of data leakage or compromise.
- F59. The Bring-Your-Own-Device (BYOD) management platform is externally visible, exposing the entire network to abuse.
- F60. The county website does not support SSL.
- F61. There are several domains that present the same content for the Tuolumne County Website, impacting Search Engine Optimization (SEO) efforts and canonicalization.

F62. The robots.txt file Sitemap reference is invalid.

Recommendations

- R1. Hire at least two mid-level industry-experienced IT professionals to increase the capacity of the department. (F1)
- R2. Hire one more technical support analyst to assist county users who require help. (F1)
- R3. Hire a Chief Information Officer (CIO) or IT Director that would report directly to the CAO and not a deputy CAO. That individual must have an experienced IT background and not have any other responsibilities within the county administration. Should the position not be created/filled, we request that the CAO, BOS and County Counsel explain why the current arrangement is not a conflict of interest. (F2)
- R4. All County departments must be made aware of needs of the other departments and work together to prioritize their IT needs. (F3)
- R5. Security training must take place for members of the IT Department. It is preferred that training take place off-site instead of online or on-site training, so they are not interrupted during training. (F4, F5)
- R6. Involve the IT Department in all aspects of planning and implementation of how buildings are set up for proper IT infrastructure. The IT Department should be included in final approval of County building plans. (F6)
- R7. Investigate project management methodologies such as Agile, Lean, and Kanban. The Jury also recommends that the county investigate software for project management to improve project estimation and tracking capabilities. (F3, F7, F9)
- R8. Prioritize projects based on the needs of the entire county, both government and citizens. All projects and project requests should go through the standard ITSB procedures, and prioritization should also include maintenance on IT equipment so that technical debt is not accrued. (F8)
- R9. Create an up-to-date and actively maintained knowledge base about how networks, hardware, and software are installed and configured. (F10)
- R10. Modify IT Department work schedules to stagger some staff so some Maintenance & Operations can be performed after hours in other departments. (F11)
- R11. The Grand Jury strongly recommends hiring a dedicated security analyst. (F4, F12)
- R12. Create, maintain and observe a Password Protection Policy (PPP) that

- incorporates complexity requirements, password expiration, limits reuse, sharing, distribution, and storage, and requires breach reporting. (F13)
- R13. Create, maintain and observe a Disaster Recovery Plan/Policy. (F14)
 - R14. Create, maintain and observe a Data Retention (DR) policy for email, data, and stateful work that complies with California law and the Freedom of Information Act (FOIA). (F15, F16)
 - R15. Create, maintain and observe a formal IT Training Policy that incorporates best practices for documentation, maintenance, security, monitoring, and ensures that attendees are not pulled away during training. (F17)
 - R16. Create, maintain and observe a Secure Data Destruction (SDD) policy. (F18)
 - R17. Create, maintain and observe an Informational Logging Standard (ILS) policy and Security Information and Event Management (SIEM) policy and procedure, ensuring that logs are regularly and actively audited. (F19, F22, F23)
 - R18. Create, maintain and observe a policy for ongoing SB272 (§6270.5 of the California Public Records Act) compliance. (F20)
 - R19. Create, maintain and observe a policy and procedure for maintaining **network equipment** (routers, switches, firewalls, wireless access points, peripherals, and enterprise appliances) that incorporates no less than weekly firmware checks and vendor monitoring for *all* network equipment, and decommission planning for hardware approaching EOL. (F21, F35, F36, F37)
 - R20. Create, maintain and observe a policy and procedure for maintaining **end-user equipment** that incorporates Canary Testing, Operating System (OS) updates and monitoring, application updates and monitoring for all installed applications, update installation windows outside of individual department business hours, force system restarts outside of individual department business hours, change monitoring to identify irregular activity, and replacement planning for hardware, applications, and Operating Systems approaching EOL. (F21, F36, F37, F40, F41, F42, F43)
 - R21. Create, maintain and observe a policy and procedure for maintaining **server equipment** that incorporates Canary Testing, Operating System (OS) updates and monitoring, application updates and monitoring for all installed applications and services, change monitoring to identify irregular activity, and replacement planning for hardware, applications, and Operating Systems approaching EOL. (F21, F36, F37, F38, F39, F40, F42, F43)
 - R22. Create, maintain and observe a policy and procedure for HIPAA compliance. Each affected Department should be aware of their obligations and actively participate and pursue full compliance. (F22)
 - R23. Create, maintain and observe a policy and procedure for PCI DSS

compliance. Each affected Department should be aware of their obligations and actively participate and pursue full compliance. (F23)

- R24. Direct the county's Internet Service Provider to create an RWhois record and populate it with appropriate role-based contact information. (F24)
- R25. Migrate all public services to SNI-capable devices and consolidate IP addresses. Eliminate the vast majority of IP addresses that are not in use. If SNI were implemented, the ongoing costs for dedicated IP addresses could be reduced to as few as five (or a single CIDR/29) vs the current 256 IP address allocation of a Class C network (CIDR/24). Depending on how the county negotiated their current pricing, they could be paying as much as \$5000/month for IP addresses. Savings could be in the tens of thousands of dollars per year. (F25)
- R26. Immediately install security cameras at the Morning Star facility. (F6, F26)
- R27. Immediately replace the doors, door locks, and implement audited security access devices for the server rooms at the Morning Star facility. (F6, F27)
- R28. Replace the sprinklers with HFC-227ea fire suppression systems, or any other electronics-friendly fire suppression system, at the Morning Star facility. (F6, F28)
- R29. Immediately move tape backups into fireproof safes at the Morning Star facility. (F6, F29)
- R30. Immediately move tape backups into fireproof safes within the NOC. (F6, F30)
- R31. Replace the sprinklers with HFC-227ea fire suppression systems, or any other electronics-friendly fire suppression system, within the NOC. (F6, F31)
- R32. All third-party access to the NOC should be supervised and logged. (F32, F56)
- R33. A replacement ticketing platform must be researched, obtained, and implemented as soon as possible. The replacement ticketing platform should enforce device, user, and technician identification, and provide for canned responses, Frequently Asked Questions (FAQ), Knowledge Base (KB), and self-help integration for ticket submission, multiple support queues and automated technician/group assignment. The county must create, maintain and observe a policy and procedure for ticket, FAQ, and KB management, and require ticket data audits on a weekly basis. (F33)
- R34. The SAN upgrade must be completed with the highest priority. The SAN must be installed within 30 days of publication of this report. (F34)
- R35. Complete and actively maintain a hardware audit to obtain an accurate Asset Management accounting of actual network devices in use throughout all

county facilities. The audit should include the exact location, make, model, serial number, patch level with firmware hash, installation date, observation date, MAC address, routable addresses, department affiliations, responsible parties and any other applicable notes. Vendor websites should be actively monitored for each device model for updates and EOL. This Asset Management system should be integrated into the Network Analyst's workflow to ensure that all hardware is properly observed and maintained. (F35, F36, F37)

- R36. County IT staff should be mandated to participate in online forums and mailing lists related to their duties. This should include SANS, SANS Internet Storm Center (ISC), the National Institute of Science and Technology (NIST), NIST's Computer Security Resource Center (CSRC), the Internet Engineering Task Force (IETF), US Computer Emergency Readiness Team (US-CERT), CSO, *Patch Management*, *SaferPC*, and the various *Stack Exchange* sites. (F36, F37)
- R37. Wherever possible, EOL devices should be replaced or terminated. Where this is not possible, we recommend that alternatives, such as Microsoft Premium Assurance, be sought out to minimize collateral damage from unsecurable devices. (F38)
- R38. Immediately prepare and approve a 64-bit Operating System image and gradually roll it out to all supported devices, prioritizing those departments that require 64-bit Operating Systems for line of business applications. Approval should occur within 90 days of publication of this report. (F44, F45)
- R39. All IT staff need to be actively trained in the RMM solutions. (F46)
- R40. Create, maintain, and observe a policy and procedure for malware events that does not treat them as a mere nuisance, but treats each incident as a potential disaster. Each affected device should be fully audited and user logs should be actively reviewed until the source of the observed infection and any other identified infections can be rooted out. Detection signatures and edge rules should be modified to address any discoveries, thus preventing similar infections in the future. Any infected users should be required to attend end user security training. (F47)
- R41. Immediately install and maintain File Server Resource Manager (FSRM) on all servers for ransomware signatures. User accounts triggering events matching ransomware signatures should be immediately locked out across the network, with alerts being sent to Network Analysts and Technicians for fast response. Likewise, bulk erases, often a result of user error, should lock out accounts and trigger Network Analysts response. This should be performed within 10 days of publication of this report. (F48)
- R42. Immediately replace all hardware and software firewalls. (F49, F50)

- R43. Perform regular on-site inspections of all county facilities to inspect the state of all hardware, validate that devices have not been physically compromised or tampered with, move physically susceptible devices away from locations where guests have access, and look for susceptible network access points. Susceptible access points should trigger a work order for facilities management to remove the accessible port. Technicians should document and photograph all hardware and network access points on each visit for their records. (F51, F52)
- R44. Create, maintain, and observe a policy and procedure for Network Device Integrity (NDI) Methodology. (F53)
- R45. Implement an SPF record for all county domains, even those domains that are not actively in use. This simple DNS text record for SPF compliance is likely as easy as running this command on their DNS servers:
`dnscommand /recordadd co.tuolumne.ca.us TXT "v=spf1 ip4:50.203.5.128/29 a mx -all"`
Repeat for all domain names. This should be performed within 10 days of publication of this report. (F54)
- R46. Implement DKIM for all county domains and mail relaying servers. (F55)
- R47. Create, maintain, and observe a policy and procedure for external vendor access that integrates the Principle of Least Privilege (POLP), mandates audits of vendor activity, and requires logging of all vendor access within the ticketing platform. (F56)
- R48. Immediately patch websites and actively monitor vendor websites for updates. (F36, F37, F57)
- R49. Disable and remove all websites that are no longer in use. (F36, F37, F57)
- R50. Enable and maintain SSL on all county websites. Renew expired certificates. (F58, F60)
- R51. Disable external access to the BYOD website. If that is not possible due to remote activation constraints, enable and require port-knocking to ensure that unauthorized users can not abuse the site. (F59)
- R52. Select one preferred domain name and perform an HTTP 301 Redirect from all other variations to the preferred domain. (F61)
- R53. Correct the robots.txt file to conform with the Sitemaps standard. (F62)

Request For Responses

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operation of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to

the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has jurisdiction pursuant to §914.1 shall comment within 60 days to the presiding judge of the superior court.

The Tuolumne CAO is requested to respond to recommendations: R1, R2, R3, R4, R5, R6, R7, R8, R11, R13, R26, R27, R28, R29, R30, R31, R32, R37

The Tuolumne County IT Department is requested to respond to recommendations: R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R46, R47, R48, R49, R50, R51, R52, R53

The Tuolumne County Counsel is requested to respond to recommendations: R3, R22, R23

The Tuolumne County BOS is requested to respond to recommendations: R1, R2, R3, R4, R5, R6, R7, R8, R10, R11, R13, R26, R27, R28, R29, R30, R31, R32, R37

The Tuolumne County Director of Human Resources is requested to respond to recommendations: R1, R2, R3, R4, R5, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23, R35, R36, R37, R40, R43, R44, R47, R48, R49

The Tuolumne County Fire Department is requested to respond to recommendations: R6, R28, R29, R30, R31

The Sonora City Fire Department is requested to respond to recommendations: R6, R28, R29, R30, R31

The Tuolumne County Facilities Management Office is requested to respond to recommendations: R6, R26, R27, R28, R29, R30, R31, R32, R43

The Tuolumne County Ambulance Service is requested to respond to recommendation: R22

The Tuolumne County Behavioral Health Department is requested to respond to recommendation: R22

The Tuolumne County DA-VW Advocacy & Outreach Office is requested to respond to recommendation: R22

The Tuolumne County Office of the District Attorney is requested to respond to recommendations: R22, R23

The Tuolumne County Health Department is requested to respond to recommendation: R22

The Tuolumne County Human Resources Office is requested to respond to

recommendation: R22

The Tuolumne County Jail is requested to respond to recommendation: R22

The Tuolumne County Probation Office is requested to respond to recommendations: R22, R23

The Tuolumne County Office of the Public Defender is requested to respond to recommendations: R22, R23

The Tuolumne County Recreation Department is requested to respond to recommendations: R22, R23

The Tuolumne County Regional Juvenile Center is requested to respond to recommendation: R22

The Tuolumne County Sheriff is requested to respond to recommendation: R22

The Tuolumne County Social Services is requested to respond to recommendation: R22

The Tuolumne County Standard Park is requested to respond to recommendation: R22

The Tuolumne County Veterans Service Office is requested to respond to recommendation: R22

The Tuolumne County Victim Witness Office is requested to respond to recommendation: R22

The Tuolumne County WIC is requested to respond to recommendation: R22

The Tuolumne County Youth Centers is requested to respond to recommendation: R22

The Tuolumne County CRA/Env Health/Survey Department is requested to respond to recommendation: R23

The Tuolumne County Animal Control is requested to respond to recommendation: R23

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Mother Lode Regional Juvenile Detention Center



Mother Lode Regional Detention Center

Photo by UnionDemocrat.com

Preface

Thirty-seven years ago the need for a local juvenile hall was highlighted among other recommendations of the Tuolumne County Grand Jury Report of 1979-1980. Jurors endorsed the participation in a joint study on constructing a juvenile hall for Tuolumne, Calaveras and Amador counties.

The 2016-2017 Grand Jury, in recognition of the completion of this long awaited youth facility, chose to visit the Mother Lode Regional Juvenile Detention Center and introduce it to the citizens of Tuolumne County.

Summary

The 2016-2017 Tuolumne County Grand Jury received a tour of the new Mother Lode Regional Juvenile Detention Center on January 31, 2017, and two members attended the facilities public tour on March 7, 2017. The Grand Jury felt it prudent to ascertain future plans for the facility and how it will operate. The Chief

Probation Officer and Superintendent of the facility provided the Grand Jury with tours of the building and grounds and answered all questions.

Glossary

CAO	County Administrator's Office
CFMG	California Forensic Medical Group
IEP	Individualized Education Program. A written document that is developed for each public school child who is eligible for special education services. The IEP is created through a team effort and reviewed at least once per year.
MOU	Memorandum of Understanding. A formal agreement between two or more parties.
Youths	A term used by Tuolumne County Probation to refer to in-custody minors.
Sally Port	A secured entry way into a fortification or prison.

Background

Tuolumne County has never had a juvenile detention facility. This caused several problems for law enforcement, probation officers, youths, and their families. The lack of a county facility, much less one nearby, resulted in law enforcement having to transport offending youths to distant facilities such as those in Bakersfield, Marysville, and Nevada City. Probation officers often needed to travel long distances to meet with the minors in custody. This scenario made it extremely difficult for families of the youths to visit them and support them.

The County of Tuolumne received approximately \$16 million in grant funds to build a juvenile detention facility. The facility design and operation is a departure from other facilities that are used throughout the State of California. The Superintendent explained that this design had a purpose. Many facilities look similar to an adult county jail or prison. This facility was built to keep the youths and the general public safe, and the specific design creates a rehabilitative environment to provide a higher level of services for youths and their families.

Methodology

The Grand Jury took a private tour with the Chief Probation Officer and Superintendent of the Detention Center. The administrators gave a short background of the facility and its design aspects, and then provided a tour through the building. They also answered all questions from jurors. A second tour took place for jurors who were not able to attend the first. The Juvenile Detention Center was not yet operating and did not have any youths housed in the facility at the time of the tours. This gave the jurors unlimited access to all areas of the building.

This is not an investigative report.

No Grand Jurors were recused from this report.

Discussion

The Mother Lode Regional Detention Center is located at 12784 Justice Center Drive in Sonora. It is the first building to be completed for the planned Tuolumne County Justice Complex. Tuolumne County received approximately \$16 million in grant funds to build the Detention Center. However, the building was not completed on time and went over budget. The total costs of the project according to the CAO will be approximately \$18.1 million. The Chief Probation Officer described the opening date as a “moving target.” The original estimated completion date was on or around November 2016. The date was later extended to March 1, 2017, with a plan to accept youths by April 1, 2017. The Detention Center began accepting youths on April 10, 2017.

The Detention Center is designed to accommodate 30 youths. The facility is secure with tall fences and electronic surveillance placed in strategic locations within and around the building and surrounding grounds.

Youths enter the grounds through a sally port. The sally port is secured by high fences on two sides which connect to the side of the building and entrance is via an electric powered gate. This allows law enforcement or probation officers to enter the area with youths secured in a vehicle. Once the gate is secured the officers can remove the youths from the vehicle, and enter the building. If youths attempt to run or escape, they will find themselves in a secured environment.

Youths enter an intake area for staff to gain background information. This information is important to assess their individual needs. This area has four

temporary holding rooms that have several purposes. If youths are combative, this provides a space to calm down in an area away from the rest of the population and staff. These rooms are also necessary for other situations that may arise, such as youths who may require a shower, clothing, or need medical or psychological evaluation.

Once assessed, youths are placed in the main area of the facility. There are 12 double occupancy rooms and 6 single occupancy rooms. There is also a large social area accessible from the rooms. This allows the staff to control the youths, yet allows youths to not be locked in their rooms all day.

There are two outdoor areas for physical activity consisting of a secure outdoor yard with a large grass area, a basketball court, and a second smaller area that is covered in the event of poor weather. This allows the youths to get exercise regardless of weather conditions.

There are two large well-equipped classrooms used for education programs allowing the youths to continue their education similar to a regular school. The classrooms also act as multi-purpose rooms for other educational programs.

A large multi-purpose room is near the entrance of the facility. The room is designed as a meeting or visitation area for the youth and their family. This room has a door that leads to a secure outside area which has benches and tables so that it, too, may be utilized for visitation when weather permits. The Superintendent stated that the need for family support for the youths is important and that it is crucial to get the family involved with these at-risk youth.

Included in the facility is a kitchen area; however, there will be no cooking on the grounds. Meals will be provided by the same vendor that supplies the food for the Tuolumne County Jail. The Superintendent explained that it made fiscal sense due to the number of youths that will be housed at the facility. However, the kitchen area can easily be converted to an operating kitchen if the needs of the facility change in the future.

Offices are provided for the probation officers that are assigned to youth caseloads. A staff of 14, including the Superintendent, will supervise the youths 24-hours a day and will work 12-hour shifts. Staff have a private break room, locker rooms, and showers.

Safety Features

The facility is equipped with many notable safety features. The command center is located near the center of the facility and is a secured room surrounded by large plexiglass windows. The command center controls the entire facility. The electronics housed in this room allow one staff member to open any of the electronic doors of the facility, including the sally port door. The staff member can also view the images from any of the many surveillance cameras.

In the event of a fire or other emergency, the staff member in the command center has an escape hatch that leads to the roof. This enables the staff member a way of escape, if necessary.

The facility also has automatic sprinklers located in strategic locations in case of fire. Most notable was the server room that house the electronic servers for the facility. Jurors noted sprinklers located just above tower server structures.

Education

Each youth is assessed upon entry to the facility. At this time, their educational needs are assessed as well. Individual Education Programs (IEP) and any other special needs are noted. Each program is unique to the youth. The programs are customized and available to all youth at the facility.

Youths attend a normal school day, just as if attending a public school. Those who have already successfully completed high school are encouraged to take online programs such as college courses or technical classes.

Court Appearances

Current building plans indicate the future Tuolumne County Superior Court will be built just a short distance away from the facility. Youths will be transported from the facility to the Superior Court for all appearances. At this time, they are transported to the existing Superior Court for appearances.

Medical

California Forensic Medical Group (CFMG) provides medical services. This contract provides a registered nurse who is at the facility from 8a.m. - noon,

Monday through Friday. There is also a medical doctor who spends two hours a week at the facility for scheduled appointments. Those two hours vary depending on the needs of the youths.

This same contract also provides psychiatric services. Services are conducted via Skype and are available for youths with an applicable assessment or a desire to speak with a mental health professional.

These programs provide immediate services without the need of transport to a medical facility. If a more serious medical emergency arises, the youths may still be transported to a local facility.

Memorandums Of Understanding

The Juvenile Center is currently negotiating Memorandums Of Understanding (MOU) with surrounding counties. MOUs with Calaveras and Amador counties are in the process of being updated and re-approved. These MOUs will allow the Juvenile Center to house and service at-risk youths from other counties. They would assist in the ongoing cost of operating the facility. However, the Grand Jury was informed that youths from Tuolumne County are a first-priority for the facility.

Conclusion

The Mother Lode Regional Juvenile Detention Center was built with the future in mind. The current ability to house 30 youths can be expanded when future needs arise. The design of the facility displays a priority in services rather than “human storage” and is proactive in rehabilitation programs for youthful offenders. The facility also protects the community from youthful offenders. The staff of the facility appeared to be highly dedicated and caring in changing the negative behavior of the youths. The Mother Lode Regional Juvenile Center is a welcome and necessary addition to the Tuolumne County Juvenile Justice system.

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Submission of Complaints

Complaints can be submitted to the Grand Jury via U.S. Mail, electronic mail, verbally and/or anonymously.

Grand Jury Address and Website

Tuolumne County Superior Court
41 W. Yaney Street
Sonora, CA 95370
www.co.tuolumne.ca.us

Action Regarding Complaints

Each Grand Jury determines whether a complaint is within the Grand Jury's jurisdiction, and meets the investigation criteria, and timeframe. All complaints are evaluated and acknowledged. Not all complaints are investigated.

Agencies and/or Departments Required to Respond

According to California Penal Code §933(c), no later than 90 days after the grand jury submits a final report on the operations of any public agency subject to the reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the finding and recommendations pertaining to matters under the control of the governing body and every elected county office or agency head for which the grand jury has jurisdiction pursuant to §914 shall comment within 60 days to the presiding judge of the superior court.